DOCUMENT RESUME

ED 154 566 EC 110 270

TITLE	Responses to Angry Youth. Cost and Service Impacts of Deinstitutionalization of Status Offenders in Ten States.
INSTITUTION	Administration for Children, Youth, and Families (DHEW), Washington, D.C.; National Inst. for Juvenile Justice and Delinquency Prevention (Dept. of Justice/LEAA), Washington, D.C.
PUB DATE	Oct 77
CONTRACT	J-LEAA-013-77
NOTE	74p.
EDRS PRICE	MF-$0.83 HC-$3.50 Plus Postage.
DESCRIPTORS	*Costs; *Delinquency; *Financial Policy; Prevention; Program Costs; Residential Programs; *State Programs
IDENTIFIERS	Deinstitutionalization; Final Reports

ABSTRACT

The final report addresses the cost and service impact of deinstitutionalization of status offenders in 10 states. Considered are the following aspects: state of deinstitutionalization (including change and legislative strategies, and non-resident services); services available to status offenders (including such service needs as additional residential programs and improved service coordination), cost analysis of deinstitutionalization for each of the 10 states; and issues (including status offense jurisdiction, prevention versus intervention, and definitional difficulties). (CL)

****
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
****

ED154566

U S DEPARTMENT OF HEALTH,
EDUCATION & WELFARE
NATIONAL INSTITUTE OF
EDUCATION

THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY

COST AND SERVICE IMPACTS OF DEINSTITUTIONALIZATION OF STATUS OFFENDERS IN TEN STATES:

"RESPONSES TO ANGRY YOUTH"

Arthur D. Little, Inc.
Washington, D.C.
with
Council of State Governments
Lexington, Kentucky
and
Academy for Contemporary Problems
Columbus, Ohio

For:

Office of Juvenile Justice and Delinquency Prevention
Law Enforcement Assistance Administration
Department of Justice
and
Youth Development Bureau
Administration for Children, Youth and Families
Department of Health, Education, and Welfare

October 1977

EC110270

This study was supported by the Office of Juvenile Justice and Delinquency Prevention (LEAA) and the Youth Development Bureau, Administration for Children, Youth and Families (HEW). It was monitored by Mr. David West (OJJDP), and by Messrs. James Stanceu and Darryl Summers (YDB), as a special project funded under Contract No. J-LEAA-013-77, a national technical assistance effort directed by Ms. Pamela Fenrich of Arthur D. Little, Inc. Ms. Jeanne Weaver, formerly of the Office of Youth Development (HEW) made significant contribution to the planning and initiation of this study.

The views and conclusions in this document are those of the authors and should not be interpreted as necessarily representing the official policies, either expressed or implied, of the Office of Juvenile Justice and Delinquency Prevention, the Youth Development Bureau, or of the U.S. Government.

October, 1977

PREFACE

This report is about public and private responses to a particular kind of youth in trouble, the status offender. Status offenders are minors brought to the attention of courts because they are runaways, truants, or are considered ungovernable or incorrigible. Although these youth were the central concern of our study, we asked individuals in the ten states to compare the needs of status offenders to those of other troubled youth. The perceptions of these individuals are reflected in the title of our report: All troubled youth need similar services, but that some status offenders are so exasperating, so recalcitrant, and so angry that youth service workers often prefer to work with delinquent or dependent clients.

A youth who runs away from home is sufficiently upset or angry to accept the obvious risks of running to staying at home. Even those workers deeply irritated by their experiences with status offenders agree that runaways are usually not seeking adventure but fleeing a distressing situation at home. The child who will not attend school is seldom rebelling for the joy of rebelling. More likely, he is reacting to a school that has not served him well and in which he finds himself branded as incompetent because he cannot keep up with his peers. Finally, the child who is brought before the court accused by his parents of ungovernability, finds himself labelled an "offender" because his experiences at home or school lead him to reject adult authority, perhaps with good reason. Unlike the dependent child or youth who invites sympathy for his obvious need for special help or protection, and the delinquent who generally agrees that he has done something wrong, the status offender frequently finds official attention an additional insult to the perceived injuries of home and school.

All too often in the past, the juvenile justice system has responded with its own kind of anger, in the form of a jail, a detention facility, or a training school. That is decreasingly the case in the states we visited. We expect that a variety of responses will continue over the next several years, since each state and community finds itself in a different position with respect to legislation, services, and public and private attitudes. The clear trend toward dealing with these children and youth in community settings rather than institutions, however, is evidenced everywhere. Respnses to these angry youth are increasingly focused on help within small, close to home settings, using a wide array of social services.

PROJECT TEAM

After the name of each team member is listed his or her organizational affiliation and the State(s) in which he or she conducted field work. The primary author of each State case study is indicated by an asterisk (*).

Core Team

Michael D. Tate, Project Director, Arthur D. Little, Inc.
Arkansas*, Connecticut*, Maryland, New York*

Peggy B. Burke, Arthur D. Little, Inc.
Florida*, New York, Oregon*, Wisconsin*

Joseph L. White, Academy for Contemporary Problems
California, Iowa, New York, Utah*

Field Research Team

Paul L. Bradshaw, Arthur D. Little, Inc. - Utah

Pamela A. Fenrich, Arthur D. Little, Inc. - Arkansas

David Flynn, Arthur D. Little, Inc. - California*, Iowa

Catharine B. Gilson, Arthur D. Little, Inc. - Florida

Donna Hamparian, Academy for Contemporary Problems
Arkansas, Connecticut, Maryland

Robert H. Harrison, Arthur D. Little, Inc.
Connecticut, Wisconsin

Judith C. Helm, Arthur D. Little, Inc. - Maryland*

Michael Kannensohn, Council of State Governments
Florida, Oregon, Wisconsin

Herman S. Prescott, Arthur D. Little, Inc.
California, Iowa*, Utah

Roger Steiner, Arthur D. Little, Inc. - Oregon

Primary Authors of this Final Report:

Michael D. Tate, Project Director
Peggy B. Burke
Judith C. Helm
Joseph L. White

TABLE OF CONTENTS

		Page
Executive Summary		vi
I.	Introduction	1
II.	State of Deinstitutionalization	3
III.	Services Available to Status Offenders	14
	A. Existing Services	14
	B. Gaps in Services Available to Troubled Youth	16
	C. Quantification of Service Needs	19
	D. Difficulties in Coordinating Youth Services	20
IV.	Cost Analysis	23
	A. Issues and Limitations	23
	B. Cost Impacts - The Results of Ten Case Studies	24
	C. Funding Implications	40
V.	Issues	45
	A. Public and Official Attitudes	45
	B. Status Offense Jurisdiction	47
	C. Fragmentation of Roles and Functions	49
	D. Prevention Versus Intervention	51
	E. Difficulties with Definitions	52
	F. Monitoring	54
VI.	Conclusions	57

LIST OF TABLES

		Page
Table I:	Strategies Pursued to Promote Deinstitutionalization of Status Offenders, By State	4
Table II:	Comparative Analysis of Current Legislation By State, Type of Facility and Date of Amendment Relating to Confinement of Status Offenders	6
Table III:	Legislation Affecting Status Offenders But Not Related Directly to Deinstitutionalization, By State	7
Table IV:	Comparative Analysis of the Number of Status Offenders in the System, By State, for 1974 and 1976	12
Table V:	Comparative Analysis of Confinement Frequencies By State, from 1976 to 1977, By Month	13
Table VI:	Number of States Providing Residential Services	14
Table VII:	Number of States Providing Crisis Intervention, Problem Resolution Services	15
Table VIII:	Number of States Providing Prevention/Skill Development Services	16
Table IX:	Comparative Cost Estimates for Institutionalized Setting and Most Frequently Used Residential Alternatives for Status Offenders	34

EXECUTIVE SUMMARY

In order to assess the cost and service impacts of deinstitutionalization of status offenders, the Office of Juvenile Justice and Delinquency Prevention (LEAA) and the Office of Youth Development (now the Youth Development Bureau in HEW) sponsored the development of case studies in ten states. Completed between April and August of 1977 by Arthur D. Little, Inc., the case studies cover the following States:

Arkansas	Maryland
California	New York
Connecticut	Oregon
Florida	Utah
Iowa	Wisconsin

These States represent a mix of size, approaches to youth service delivery, geography, and approaches to deinstitutionalization. Conclusions, findings, and recommendations based on the case studies, which have been published separately, follow in this final report.

Current Progress

1. The States examined are at different stages in the process of deinstitutionalization, but all have made clear progress. Progress has been greater on removing status offenders from correctional institutions than on removing them from detention.

2. State strategies have varied, with major clusters of actions aimed at, a) removal or limitation of the court's original jurisdiction over status offenders; b) limitations on possible dispositions for status offenders; and c) development of community-based youth services. Such strategies are not mutually exclusive; some States pursue more than one. Further, the specific focus on each strategy varies among the States.

3. The major unresolved issue is pre-adjudicative detention, not longer-term commitments to State institutions following adjudication. The States studied are simply not sending large numbers of status offenders to correctional institutions.

4. Aside from State institutions, the next-most-important issue is long-term residence in private institutions.

5. The mandate of the Juvenile Justice and Delinquency Prevention Act of 1974 has, in large measure, shaped the dialogue in the States about existing and appropriate treatment of the status offender population. As covered under the issues section of these conclusions, there is something less than philosophical unanimity regarding deinstitutionalization.

6. The available data about dispositions and placements leaves much to be desired in terms of consistency, quality control, comparability (even within the same State), and accessibility. However, it seems to be improving as States take on their system monitoring responsibilities.

Service Needs and Gaps

1. There are virtually no status offender-specific needs. Rather, there are youth needs. (The only significant exception to this is the need for residential alternatives to detention.) The status offender population overlaps with juvenile delinquents, dependent and neglected children, as well as emotionally disturbed children. The label under which an individual child is identified is a result of how he comes to public attention. Service needs are mostly unrelated to that label, and instead are a function of the individual situation. The spectrum of service needs for each of these groups is very similar.

2. Some status offenders may, however, have more difficult problems than any other type of youth. Frequently, they have very poor family support and a history of resistance to repeated intervention from service agencies. Of course, some delinquent youth may have problems just as serious as these -- both in their family environment and in their history of involvement with social service agencies. But in the case of the delinquent, some clearly defined criminal behavior is involved, behavior which may make legal punishment somewhat more understandable to the young person involved. The status offender may perceive his own behavior as entirely rational and non-criminal. This may make court-ordered sanctions difficult to comprehend and may render him more uncooperative than even the serious delinquent offender.

3. Some status offenders are at least as well off left alone, with no public intervention, to mature out of their problems.

4. The most significant service need and the first [illegible] be identified by States is some alternative to detention. Emergency and "structured" shelter care, foster care, group homes, and runaway houses are currently utilized to meet this need. In order for these alternatives to be acceptable to law enforcement and judicial officials, however, they must offer sufficient assurances of child protection and court appearance, a difficult task in the case of some chronic runaways. Structured shelter care promises to be one approach to provide such assurances in difficult cases.

5. Services needed, but weakly represented in many States, are residential psychiatric care, family counseling, mental health services for adolescents, alternative education programs, job development, and independent living arrangements. Highly structured, intensive day treatment programs are also lacking. Such programs provide supervision of education, recreation, drug and alcohol counseling as well as individual and family counseling, while the child resides at home.

6. Whatever service needs exist in a given State, they tend to be scarcest in rural areas. Relatively small numbers of potential clients scattered over large geographic areas tend to make service provision difficult and costly. Scarcity of services in rural areas can also contribute to over-utilization of incarceration for juvenile offenders.

7. Basic to the delivery of adequate youth services is alleviating the fragmentation which characterizes delivery systems in every State. Approaches to minimize fragmentation would include:

- improved evaluation and screening resources to ensure adequate diagnosis and placement of young people in already-existing services;
- better coordination among programs to avoid duplication of efforts, to plan for comprehensive services, and to prevent young people from "falling through the cracks"; and
- an improved capacity to collect data and monitor programs so that the States can identify fragmentation, and gaps in services.

Cost Impacts and Funding Implications

1. The cost impacts of deinstitutionalization of status offenders are not predictable according to an analytic model. Whether or not there is a cost increment or savings realized by removing status offenders from detention and correctional facilities depends on (a) the strategy a State adopts; (b) the number of status offenders involved; and (c) the nature and scope of the existing youth service system in the State.

2. Speaking tentatively (because some cost impacts will only be evident over time), there is evidence that there are no significant net incremental costs associated with deinstitutionalization, and some evidence that there are possible cost savings over time.

However, the non-transferability of funds will cause additional costs at some levels, and limit savings. In any event, our analysis indicates that the total net increase would not be prohibitive for any State that wished to move toward deinstitutionalization.

3. The first cost impact felt as a result of deinstitutionalization is likely to be a shift in who bears the costs. This question is critical to the implementation of alternative programs, and provides a major rationale for the use of Federal funds as seed money.

4. The primary sources of Federal funds are Title XX (Social Services) and Title IV-Part A (AFDC-Foster Care) of the Social Security Act; and Juvenile Justice and Crime Control dollars. Funds from HEW's OCD, OE, and NIMH are less significant in serving status offenders. The importance of Federal funding varies from State to State, as a function of State decisions and of the scope of their existing youth service programs.

5. The Federal government should not originate any major new programs aimed at providing services specific to status offenders. Status offenders are a small population, and problems that have arisen in providing services to them are mainly problems that are inherent in the youth service system generally.

Issues

1. The treatment of status offenders is of relatively low public visibility. Further, there is a strong feeling among the law enforcement and judicial publics that secure detention and the structure of institutional placement are appropriate for some youth. Thus, they see retaining such options, for limited use, as desirable.

2. Most of the State officials to whom we talked felt that status offenses should remain under the jurisdiction of the court. Two States - Utah and Florida - have taken legislative action to limit original jurisdiction, and some observers in other States also believe such limitation or removal of jurisdiction to be appropriate.

3. Many officials and service providers see a need for preventive services. This usually means early problem intervention as typified in the non-punitive, helping setting of youth service bureaus, rather than through initial intervention by the court.

4. A number of States disagree with the OJJDP criteria for defining detention and correctional facilities, feeling that size of the institution, the question of commingling of status and criminal-type offenders, allowable detention times, and the applicability of the guidelines to the private sector, are issues less clearcut than the OJJDP criteria would suggest. Essentially, the State officials believe they are better judges of how such criteria should be applied in their States than is OJJDP.

5. Monitoring systems are not yet in place. When they are, they will be more useful for assessing the current situation than progress from the uncertain and inaccurate baselines of two years ago.

Recommendations

1. Neither OJJDP nor HEW need consider any major new programs directed specifically toward status offenders. Services are presently available or are being developed adequate to the demands created for them by deinstitutionalization. New programs targeted on status offenders as a special population would primarily serve to exacerbate the current fragmentation which characterizes youth services systems in all the States.

2. While there are individual instances where additional funding is needed, there is no systematic pattern that suggests major infusions of Federal dollars would fill major service gaps for status offenders. The primary Federal attention to funding should be to assure the continued availability of the Juvenile Justice and Crime Control funds devoted to youth services, whatever (Federal level) organizational changes may occur.

Additionally, continued availability of runaway house funds and a stress on the legitimacy of status offenders as clients for Title XX programs, foster care, and mental health programs, would be useful.

3. OJJDP should consider allowing negotiation regarding the application of its guidelines defining detention and correctional facilities in those unusual instances where States can show substantial conformance, but are still technically at variance. While definitions are clearly necessary, some flexibility would acknowledge the ambiguities and special cases which demonstrably exist in the States. Such openness to flexibility would encourage wider participation and increase the chances of effecting change in a greater number of States. Further, an inflexible approach might only serve to escalate the debate to a level where a definition might be incorporated into legislation, removing the administrative flexibility which OJJDP now enjoys.

I. Introduction

The Juvenile Justice and Delinquency Prevention Act of 1974, as part of its stated purpose of providing resources and leadership in preventing and reducing juvenile delinquency, mandates that States participating in the Act should no longer hold status offenders in detention and correctional facilities. Status offenders, in the language of the Act, are "...juveniles who are charged with or who have committed offenses that would not be criminal if committed by an adult..." Under terms of the original Act, States were to comply with this mandate within two years from the submission of their plans for participation. The 1977 Amendments to the Act, following issuance of administrative guidelines and negotiations amoung key members of the Congress, extend the deadline for compliance to three years from submission of a State's original plan. Also, States may continue participation if it is determined that "substantial compliance" has been achieved within the three-year time frame, and there is an"unequivocal commitment to achieving full compliance within a reasonable time." Compliance will be considered substantial if "..75 percentum deinstitutionalization has been achieved," and a reasonable time for full compliance is defined as "...no longer than two years beyond..." the three-year deadline.

As with many legislative objectives, the lessons of implementation began to be learned both by the States and the Federal government, only after attempts at participation had begun. Precise definitions, both of status offenders and of detention and correctional facilities, were needed. Systems for demonstrating compliance had to be designed and implemented. And very quickly, questions of cost and service impact surfaced. If the States were to remove or no longer place a class of children in traditional settings, what was to be done with them? What types of services might those children need and did they already exist? What would those services cost to purchase or develop? It became clear that such questions were central to participation in and compliance with the Act. States were beginning to be concerned about the consequences of deinstitutionalization.

But many States - some participating in the Act as well as some who were not participating - had been moving in the direction of deinstitutionalization for some time. Some had changed State laws to prohibit some forms of incarceration for those types of children, some had removed status offenders from the delinquency system altogether. In order to capture the experiences of those States and to answer the basic question of what happens when attempts are made to deinstitutionalize status offenders, the Office of Juvenile Justice and Delinquency Prevention (LEAA) and the Office of Youth Development (now the Youth Development Bureau, HEW) commissioned a study to look at the experiences of ten States. In order to accommodate the constraints of time and to gain the greatest understanding of the process of deinstitutionalization, a case study approach was selected which would rely on the data already existing in each State. While uniformity of approach and data collection would be emphasized in each State, this approach would allow for the

inevitable differences which would be found in history, organizational context, and strategy of deinstitutionalization.

The ten States selected for study were:

Arkansas	Maryland
California	New York
Connecticut	Oregon
Florida	Utah
Iowa	Wisconsin

While not designed to be a scientifically representative sample of the States, these ten States do offer some geographic balance and represent a mix of the factors which were considered to be relevant to the deinstitutionalization issue:

- one per Federal region;
- mix of urban and rural;
- mix of large and small States, based on geographic size as well as total population;
- centralized and local social service delivery systems;
- unified and fragmented court systems; and
- varying approaches to deintsitutionalization.

The final report, which follows here, includes a brief summary of findings in each State and sections on:

- State of Deinstitutionalization;
- Services Available to Status Offenders;
- Cost Analysis; and
- Issues.

The final section of this report gives conclusions and recommendations.

II. State of Deinstitutionalization

Detailed case studies prepared for each of the ten States describe our interpretations of numerous personal interviews and publications produced by or about each State and its political subdivisions. For more detailed information, the reader should refer to the individual case studies. In order to facilitate a rapid and complete understanding of this final report, however, (our overview report and conclusions) one-page summaries have been attached as a cover piece to each case study. The purpose of this chapter is to describe briefly, in a comparative fashion, what progress and problems we observed in the attempts by these States to deinstitutionalize status offenders.

As a beginning point, it must be said that the Juvenile Justice and Delinquency Prevention Act of 1974 has profoundly affected all of the States visited, whether or not they presently participate under its block grant provisions. Over the past three years, the issues affecting juvenile justice in those States have been framed and measured by the Act, even in States where progress has been relatively slight or where a decision has been made not to participate in the JJDPA program.

Strategies for Change

To be sure, the States studied are all at different stages of development. This is understandable, given the incredible complexity of variables surrounding the issue. While some States are just beginning to move toward some level of deinstitutionalization and alternative service provision, other States have programs predating the Act by a decade.

As will be described later, none of the States visited has complied entirely with the Act's deinstitutionalization provision. In reality, the States have pursued totally different strategies, sometimes consciously, and sometimes only retrospectively observable. Listed in Table I is a reflection of the different approaches employed by the sampled States to either prohibit confinement or to create alternatives. Obviously, any attempt to present these behaviors as deliberately planned strategies is somewhat risky. The conditions of most States' services and their attendant policies have accumulated over decades, with significant, independent contributions from all three branches of State government. Nevertheless, to the extent possible, we have attempted to catalog what we found:

Table I

Strategies Pursued to Promote Deinstitutionalization of Status Offenders, by State

Strategies \ States	Arkansas	California	Connecticut	Florida	Iowa	Maryland	New York	Oregon	Utah	Wisconsin
I. Defining Status Offender Differently										
A. Merge with Dependency				X	X				X	
B. Separate from Delinquency	X	X		X	X	X	X		X	X
C. Remove from Court's Original Jurisdiction									X	
II. Restricting Placements										
D. Prohibit Use of Jails and Lockups	X	X	X	X		X	X			
E. Prohibit Use of Detention Facilities	X	X		X		X				
F. Prohibit Use of Adult Correctional Facilities	X	X	X	X	X	X	X	X	X	X
G. Prohibit Use of Juvenile Correctional Facilities	X	X	X	X		X	X	X		X
H. Provide Financial Disincentives							X			
III. Developing Alternatives										
I. Provide Financial Incentives	X	X	X	X	X	X	X	X	X	X
J. Provide Community-Based Alternatives (residential)	X	X	X	X	X	X	X	X	X	X
K. Provide Community-Based Alternatives (non-residential)	X	X	X	X	X	X	X	X	X	X

Table I reflects, in effect, three basic approaches to the problem. The first is to manipulate the ways in which the States define or classify status offenses (Rows A, B, and C). In so doing, status offenders are usually shunted away from physically restrictive institutions. The second approach is to ban or discourage the use of criminal or juvenile justice facilities for the placement of status offenders (Rows D, E, F, G, and H). This is accomplished through either legislation or financial disincentives. The third method encourages, whether through local subsidies or the expansion of State capacity, the provision of alternatives to status offenders. Row I indicates those States that subsidize local services; Rows J and K reflect those States in which commitments of status offenders to alternative State agencies are possible and where expansion of alternatives to placement in State training schools has occurred.

Legislative Strategies

In terms of State legislative efforts, the State codes reveal considerable activity with regard to the confinement of status offenders. A comparative synopsis of current legislation appears in Table II.

In reviewing State legislation, it became apparent that States, stimulated by the Federal Act, have enacted legislative changes affecting status offenders, but which, nevertheless, are tangential to the question of deinstitutionalization. Because of their implication for understanding current attitudes extant in these States, those legislative changes are summarized in Table III.

As can be seen from the dates listed within Table II and the quantity of legislation represented in Table III, there has been a considerable amount of recent legislative activity. Status offenders have constituted a relatively insignificant problem for States over the years. When compared with the larger issues of energy, crime, welfare, and transportation, it is no wonder that there has been little focus upon this issue. The recent spate of legislation, as a consequence, is even more remarkable. But, at the same time, the legislation reported in Table III should clearly justify our observation that, while most States agree with the general premise, many do not favor complete deinstitutionalization of status offenders.

Table II

Comparative Analysis of Current Legislation
By State, Type of Facility and Date of Amendment
Relating to Confinement of Status Offenders

State	Detention Facilities		Correctional Facilities		Explanatory
	Juvenile	Adult	Juvenile	Adult	Comments
Arkansas	Prohibit. 1977	Prohibit. 1977	Prohibit. 1977	Prohibit. 1977	
California	Prohibit.* 1977	Prohibit. 1977	Prohibit. 1977	Prohibit. 1977	*May be changed by pending legislation.
Connecticut	Permitted	Prohibit.	Permitted	Prohibit.	
Florida	Prohibit.* 1975	Prohibit. 1975	Prohibit.* 1975	Prohibit. 1975	*Except for second-time ungovernables.
Iowa	Permitted	Permitted*	Prohibit. 1975	Prohibit. 1975	*Up to 12 hours without court order.
Maryland	Prohibit. 1974	Prohibit. 1974	Prohibit.* 1974	Prohibit. 1974	*Permits institutionalization in exclusive status offender facilities (non-existent)
New York	Permitted	Prohibit.*	Prohibit. 1976	Prohibit.	*May be permitted with approval of Div. of Youth Services
Oregon	Permitted*	Permitted*	Prohibit. 1975	Prohibit.	*Up to 72 hours
Utah	Permitted	Permitted	Permitted	Prohibit.	
Wisconsin	Permitted	Permitted	Prohibit.	Prohibit.	

Table III

Legislation Affecting Status Offenders but
Not Related Directly to Deinstitutionalization, by State

State	Comment
Arkansas	1977 - created a State Division of Youth Services, as the focal point of statewide juvenile services.
California	1975 - required that children with school-related behavioral problem must first be referred to school districts' school attendance review boards (SARBS) before they can be referred to court. 1977 - authorized informal supervision and diversion at court intake.
Connecticut	1971 - authorized State Department of Children and Youth Services to make direct community placements of court commitments.
Florida	1975 - redefined as dependent children and made them clients of State social services agency.
Iowa	1975 - separated status offenders (CINA's) from delinquent offenders.
Maryland	None
New York	1970 - required counties to provide non-secure detention 1974 - provided subsidy for comprehensive planning and project funding for county delinquency prevention programs.
Oregon	None
Utah	1977 - created original jurisdiction over runaways and ungovernable children in State Division of Family Services, with possibility of court referral if "earnest and persistent" efforts to help have failed.
Wisconsin	None

In addition to existing laws, we also came across proposed legislation which would affect the way in which status offenders are handled. In three States, the proposed legislation appeared close to passage.

- In California, A.B. 958 would again enable local government to securely detain 601's (status offenders), but only with stringent time limits and in quarters segregated from 602's (delinquents). Liability of the State to pay for segregated quarters is, at present, unclear;

- In Iowa, H.F. 248 transfers original jurisdiction over status offenders from the department of social services to juvenile court; and

- In Wisconsin, a pending revision of the Children's Code would specifically allow police to take runaways to a runaway program; would limit detention by making intake criteria more stringent; and would remove the CINS category from the law and replace it with Child in Need of Protection and Services.

Alternative Service Strategies

For the most part, alternatives to institutionalization can roughly be categorized as residential and nonresidential. Not only does such a dichotomy appear to be the most meaningful way of viewing the creation and expansion of alternative services, but - perhaps just as significant - it tends to focus more clearly upon the inappropriateness of previous practices of status offender confinement. It would seem reasonable to postulate that, had such nonresidential services been available in the past, their current impacts upon institutionalized status offender populations would have been felt much earlier. At the same time, it must be noted that the majority of judicial personnel, juvenile services personnel, and private service providers interviewed in the course of the case studies stated that the service needs of status offenders are similar to the service needs of other troubled youth. Status offenders, juvenile delinquents, emotionally disturbed, and dependent and neglected youth, often manifest anti-social behavior, have in common troubled family backgrounds, emotional problems, learning disabilities or difficulties in accommodating the authority of a school. Although troubled children will not necessarily share all of these problems, or find identical problem areas equally severe or disabling, the amount of overlap is sufficient for those working with troubled youth to conclude that status offenders do not require services designed exclusively for them.

One exception to this general observation was consistently cited. The status offender population includes youths who may run from nonsecure community placements or harm themselves while awaiting court appearances. These status offenders are widely perceived by those

responsible for detention decisions to be in danger if placed in community facilities. Therefore, a service need, specific to status offenders, is a community-based alternative to secure detention which can ensure their safety and the court appearance of youths placed there.

Residential Services

The residential stream of services rests upon a basic assumption that many children have been confined in detention and correctional facilities in the past because they needed a place to sleep. Additional assumptions are that many children either have no homes, or at least no homes adequate to their needs at the moment, or that they cannot return home without danger to themselves or others, or that they steadfastly refuse to return home and stay there. Depending upon the needs of the juveniles, the resources of the governmental agencies, and the attitudes of public officials, a wide range of residential options to detention facilities are provided. Here, too, it is possible to dichotomize the services, this time between pre-adjudication and post adjudication.

Crisis care is usually provided through the use of foster homes, group homes, and runaway shelters, generally, but not always, operated by private individuals or agencies under purchase-of-service agreements. In a few States, a relatively recent phenomenon has begun to emerge, known as "structured shelter care". These facilities are intended for accused and adjudicated status offenders with serious behavioral problems who cannot (usually because of statutory or administrative prohibitions) be placed in detention homes or jails. In most cases, the structured shelter care facilities which we encountered were publicly operated. While the political subdivisions responsible for them assert that they are non-secure and otherwise meet the criteria for defining shelter facilities, the very nature of them would suggest that States would do well to monitor them carefully.

Post-adjudicative residential services exist in all the States visited, and are physically similar to the short-term residential services mentioned above, with some notable exceptions. However, the term "shelter care" is almost universally reserved for relatively short-term pre-adjudicative placements. Foster and group homes are most often found. Independent living situations are financially supported in some of the States but, by far, the group home concept is the most prevalent.

Group homes come in a variety of sizes and shapes. Per bed costs run along a spectrum of $5,000 to over $15,000 a year. Differentials in cost appear to be related to several distinct and unrelated factors. In some States, group homes are divided according to the types of services they provide, which translates into the types of children they are able to serve. At the bottom of the cost range (above, of course, volunteer foster homes which are essentially free but relatively scarce) are homes that provide room, board, and respite. Progressively, some offer varying forms of counseling and training. Others offer deeper, therapeutic services or specialized services for physically handicapped or mentally

retarded juveniles. Another factor affecting cost is the general economic climate in each area and the capacity for service delivery. In the urban States with large tax bases, group homes are most abundant and cost more per bed. A final factor might best be described as the price of pluralism. The juvenile courts are only one type of agency purchasing or providing foster care in group homes. Agencies providing services to adults, to developmentally disabled and to welfare children are also in the marketplace. One compounding factor, which bears some of the responsibility for the disparities in per diem, is the fact that these competing agencies can and do pay different amounts for the same services (often in the same homes) because of fiscal limitations, or the lack thereof, imposed by both States and Federal agencies managing major grant-in-aid programs.

Non-residential Services

Nonresidential services can also be dichotomized into two streams, those that focus upon problem or crisis resolution and those that are intended to address more fundamental deficiencies in the capacities of juveniles for normal socialization. Under the first sub-classification, which we will call the crisis intervention stream, the case studies reveal an array of counseling services, provided by both private and public child-care agencies and individual therapists. Crisis intervention programs, at the law enforcement and court intake points of contact, are becoming quite popular for obvious reasons. The theory underpinning such programs is that most status offenders, except for a few groups (most notably school truants), are, by definition, beset by crises, usually brought on by interpersonal family confrontations. Detention facilities have frequently been used in these situations to allow the children to get control of their own feelings or to reunite them with their families or guardians, without the likelihood of personal injury or property damage. If the crises can be handled through counseling, by concentrating on the reasons they occurred rather than by dealing with the children's behavior, the need for confinement would obviously lessen. According to those interviewed, in communities where crisis intervention programs are operating, they contribute heavily to decreasing the reliance on institutions as a means of social control. In conjunction with such programs, and also in communities where they do not exist, we found an expansion of the use of family counseling and both individual and group therapy. Where they are funded through juvenile courts and purchased from the private sector, the amount of money or the number of counseling sessions for any one client is usually restricted by a maximum figure.

The coping stream of services, on the other hand, tends to offer supplemental education and training to juveniles with inadequate skills to cope with the pressures placed upon them. Coping services, as we intend that term to be used, include tutoring, special education, drug treatment programs, alternative schools, vocational education, job development and birth control information programs. The philosophy seems to be that many children become frustrated and defiant as they believe their self-worth to be deprecated by their inabilities to academically achieve, to find employment, or even to "fit in" to the rigorous demands

of society. What is important here is that these programs are almost never set up for status offenders: they are established to service juveniles with specialized needs. At the same time, they serve many status offenders who come into their programs [sometimes involuntarily but more frequently voluntarily] for the services they provide. As a consequence, data about the numbers of status offenders served is virtually unobtainable because it is not kept. The question is simply irrelevant to the service providers.

Impact on Confinement Practices

The frequency of status offender confinements has changed markedly in a short two-year period according to figures made available to us by the States (Table IV, page 12).

These figures must be understood in the context in which they are presented. They are numbers gleaned from State and local reports and, in a few instances, from the educated guesses of officials. No attempt has been made to determine the reliability of the numbers or the counting systems. In addition, many States believe they are in compliance with the Act by placing status offenders in certain facilities which they interpret not to be within the Act's proscriptive intent. While they may be correct, there are discrepancies between the observed condition of these facilities, particularly with respect to size and commingling, that would make their exclusion from LEAA's definition* questionable. Nevertheless, we accepted each State's categorization of its facilities for purposes of statistical comparison, noting in each case study the definitional problems encountered in that State.

It should also be noted that detention and confinement of status offenders appears to be declining in 1977, as compared with 1976, from what fragmentary data we were able to locate. (Table V, page 13).

* LEAA Change, Subject: State Planning Agency Grants, M4100.1F Change 1, May 20, 1977, Par. K(2).

Table IV

Comparative Analysis of the Number of Status Offenders in System by State, for 1974 and 1976*

State	REFERRED TO COURT			DETAINED		COMMITTED	
	1974	1976	% Change	1974	1976	1974	1976
Arkansas	N/A	1,237	N/A	1,665	1,220	297	254
California	107,898 (arrest data)	86,137	- 20%	51,748	4,700*	1,800	0
Connecticut	2,386	2,233	- 7%	820*	654	30*	0
Florida**	N/A	N/A	N/A	9,839	N/A	292	77
Iowa	1,589	2,142	+ 26%	151	198	87	0
Maryland	6,815	6,133	- 10%	829	320	171	15
New York	4,988	8,013	+ 62%	3,029*	2,472	287*	57
Oregon	17,742	N/A	N/A	5,070	N/A	125	N/A
Utah	8,326	6,660	- 20%	1,746 (based on bed-days)	805	80	44
Wisconsin	N/A	N/A	N/A	7,916	N/A	N/A	N/A

* Where noted, 1975 appears in either "1974" or "1976" column, depending upon availability of data. In each case, however, data displayed are in proper sequential order.

** Estimates derived from fragmentary data refer to State case study for supporting calculations.

Table V

Comparative Analysis of Confinement
Frequencies by State, from 1976 to 1977
by Month*

State	DETAINED		COMMITTED	
	1976	1977	1976	1977
California	392	0	0	0
Connecticut	54	39	0	0
Iowa	15	N/A	7	0
New York	206	N/A	57	0
Utah	135	69	4	2

* Average month for 1976 (See Table IV). Available data for any month in 1977.

As a final note, our report on the current status of efforts would not be complete without the observation that every State confines accused or adjudicated status offenders in detention or correctional facilities to some degree. In about half of the States, the practice is sporadic and not very statistically significant. But it will occur, because of the attitudes of a particular judge, or because of the perceived seriousness of a particular case or class of cases. In those States which proscribe such placements, the monitoring mechanisms contemplated by Section 223 (a) (14) of the Act have just not evolved to a point of development that the cognizant agency can ensure that such confinement will not take place. In those States which permit accused or adjudicated status offenders to be placed in detention facilities, the frequencies seem to be declining to the point of what might be described as an "irreducible minimum" population. Unless pending State legislation passes which would ban such practices, it is reasonable to assume that, at least for the present, there are a number of States that philosophically disagree with the "all or nothing" posture taken by Congress in passing Section 223 (a) (12) of the Act. Present guidelines obviously present less of an obstacle to the States, in terms of compliance, but should the 75% compliance and 24-hour exemption provisions be removed from the guidelines at some time in the future, many States would be forced to consider seriously the wisdom of their continued participation in the program.

III. Services Available to Status Offenders

A. Existing Services

Although the States visited in the course of the case studies have responded to the impetus for deinstitutionalization with a variety of legislative and service strategies, State officials and private service workers described the problems and characteristics of status offenders and the types of community services they need with remarkable similarity. Status offenders need a considerable diversity of services which, for the most part, are the same services utilized by other troubled youth -- services which respond to a child having family problems, emotional problems, and problems at school. Despite the fact that service workers often describe the status offender as the most difficult type of child to help with his problems, none of those interviewed suggested that the States ought to develop services designed exclusively for status offenders.

In looking at the types of programs currently being used by status offenders and other children, we found a core of six residential types of services, four of which were common to most of the States:

TABLE VI

Number of States Providing Residential Services

	Structured Shelter Care	Short-term Residential/ Shelter Care	Specialized Residential	Foster Care	Group Homes	Independent Living
No. of States Providing Service	2	9	8	9	9	2

Table VI shows the majority of States studied relying heavily on community-based shelter as an alternative to detention, and providing group home and foster home places for those needing a longer residential placement outside their homes. A majority of States also have some specialized residential beds for emotionally disturbed, mentally retarded, or developmentally disabled children, typically in State or private institutions rather than in community-based facilities. New York and Maryland have developed a limited number of "structured" shelter care facilities - shelter homes for small numbers of youth providing 24-hour intensive supervision for children thought likely to harm themselves or run from less restrictive shelters. In only two of the States can older adolescents use an independent living arrangement, i.e., a minimally supervised placement offering more independence than group homes or foster care, and sometimes including residence in their own apartments.

Among the States which have a core of residential services for troubled youth, however, there are considerable differences in the extent to which the services are developed, the degree to which the services have grown or developed as a result of deinstitutionalization, and the frequency of their use by status offenders. In Maryland, for example, the number of community-based residential placements has grown considerably since the State deinstitutionalized in 1974. Utah, on the other hand, a State which has significantly reduced the numbers of status offenders in secure commitments and detentions, has chosen to expand nonresidential community services rather than remove children as frequently from their homes. Florida has a wide range of residential services available to youths in trouble, but since the State redefined status offenders as dependent children, virtually the only type of placement available to status offenders is foster care. As another example, Arkansas which has few, if any, community-based services, is focusing on developing access to emergency shelter and longer-term residential services throughout the State, as a direct response to the deinstitutionalization issue.

Turning attention to the nonresidential services available in the States, one finds the number of States which utilize a significant number of services to help youths resolve immediate problems is quite limited. Eight of the States have the ability to provide counseling or crisis intervention services, but very few interviewees mentioned the availability of other types of crisis intervention services:

TABLE VII

Number of States Providing Crisis Intervention, Problem Resolution Services

	Crisis Intervention/Counseling	Counseling and Other Services for Family Units	Legal Aid	Mental Health Services on a Day Treatment or Out-patient basis
No. of States	8	4	2	2

The need for some form of counseling or mediation service for youths in trouble at school or at home is an obvious service needed by status offenders and one of the first to be mentioned by interviewees.

Even fewer services were available to children who needed special education, job training or placement, or help with school work.

TABLE VIII

Number of States Providing Prevention/Skill Development Services

	Alternative Schools	Youth Service Centers or Bureaus	Vocational Training	Job Development
No. of States	3	7	2	2

Even in those States reporting the existence of alternative school programs, prevention centers or help for adolescents looking for work, the amount of information available about these programs was limited, in part because such services are generally administered by agencies outside the State youth service system, and also because the programs that do exist are apparently quite limited in their geographic coverage or the number of youths actually enrolled in the programs.

Youth Service Bureaus or Centers are the most common form of prevention now available. These centers frequently offer a collection of services including tutoring, organized recreation, counseling and service referral, education about the effects of drug use, and just a place to go to find other kids. In Wisconsin, an even more intensive version of this type of day-service program has been designed to provide structured activities all day for children who can continue to live with their parents, but who need a more structured environment in which to work than the public school. Day treatment programs are usually described as prevention programs but, in fact, many youths who come to the centers already have problems and are being offered a chance to develop new skills or simply to cope with their existing difficulties.

The numbers of States which provide counseling for the whole family, legal aid, mental health services for adolescents on an outpatient basis, job development, and so forth, may actually be greater than the number shown on Tables VII and VIII. However, if a greater number of States do have capabilities in these areas, the officials interviewed either did not view them as sufficiently developed to be significant in their array of services for youth, or the services were not mentioned because their own professional interests were focused on programs in other areas.

B. Gaps in Services Available to Troubled Youth

In all of the States visited, the people interviewed could catalog an impressive number of services either entirely lacking or weakly developed in their States. In California, New York, Maryland, and Wisconsin, the States with the greatest diversity and best developed of services, youth service workers tended to list more gaps in their

nonresidential services than did the other States. They also raised more fundamental issues about the overall social policies expressed by the structure of their services and felt they needed much more information about "what works for whom", particularly for runaway and incorrigible youth. It is probably true that when a State is in an early stage of developing its community-based services, the greatest amount of attention is focused on getting basic services in place and operating smoothly. Once a core of residential and crisis-intervention services exists, planners and case workers are more likely to identify youth needs that cannot be met in these programs and discover unanticipated problems in administering decentralized systems of youth services.

1. Needs for Additional Residential Services

Despite the fact that most States have concentrated on developing a core of residential services, a majority feel that they need more alternatives or improvements in the quality of their existing services. The need for a detention alternative that is geared to the problems of runaways and self-destructive youth is the one exception to the general rule that status offenders can utilize the services provided for other troubled youth. As was demonstrated in Chapter II, the continuing institutionalization of status offenders occurs primarily in detention, both in States where secure detention is either allowed or prohibited. In States that prohibit the detention of status offenders, the most outstanding weakness in residential alternatives to detention is a community-based alternative which has the confidence of law enforcement officials and judges. As long as State officials believe that secure supervision is essential for runaways or self-destructive youth, or that, in some cases, detention has therapeutic value, status offenders will probably continue to be detained. One experiment in this area is the development of structured shelter care. This approach replaces physical security with intensive supervision. The objective is to retain children in the program and to ensure their appearance in court. If it proves successful in achieving these objectives, structured shelter might be used as one model alternative to detention for difficult youth.

In eight of the States visited, more interviewees described a major need for residential placements offering therapeutic components for disturbed, retarded, or developmentally disabled children than for any other residential or nonresidential service. The programs that exist are limited in number and simply unavailable in most communities.

A clear majority of the States would like to make improvements in the quality of their foster care and group homes. At present, some foster parents and group homes do not know how to cope with difficult and disruptive status offenders. They prefer to accept

children with fewer problems. Most States describing this problem felt that training for foster parents and group home parents would overcome the problem. In Wisconsin, it was suggested that additional back-up facilities be developed for children who were so disruptive as to require temporary removal from group homes or foster care.

Independent living arrangements would be helpful in providing a setting where children who do not need a highly structured program but who do not want to return to a bad family situation, could develop the independence, competence, and sense of worth necessary to lead adult lives. In one State, independent living arrangements were seen to be an essential and logical progression from a group home placement. The argument is that if the best interests of some children are served by removing them from their families, at least some of these children should not be returned to a disturbing home life once progress has been made in a group home. Almost half the States would like to develop new and additional forms of independent living on both an individual and a group basis.

2. The Need for Problem Resolution Services

Over half the States visited feel that they have a strong need for family counseling. They report that a good deal of lip service is paid the notion of providing services to the family unit rather than placing on the troubled youth the entire burden of adjustment to a situation where normal relations have broken down. In practice, very few resources are actually devoted to counseling or providing other services to families in trouble, particularly at the point of crisis when status offenders normally come to the attention of the authorities.

Mental health services for adolescents offered on an outpatient basis were described as an urgent need in half the States, including those which also felt that additional residential psychiatric facilities are necessary.

Although all the States already have some crisis intervention and counseling capability, youth service workers in four States would like to see additional crisis facilities created in the form of "free clinics" or a joint use of emergency shelter care as a free clinic and hostel where any youth could come on a self-referral basis for a place to stay, and to find someone who will listen.

3. Skill Development

In more than half of the States participating in the case studies, the individuals interviewed stated that the public schools should be doing much more to provide tutoring and special education

for troubled youth who are behind in their studies. They should also provide all students with information about drugs, sex, family life, the demands of raising children, and management of household budgets. Those interviewed felt that children can be developing, throughout their school years, more realistic ideas about adult living and better bases for making decisions. Several commented that this type of education might be effective in preventing some of the family situations that lead to children getting into trouble.

Individuals in six States urged that much more attention be paid to helping adolescents find jobs, not only because troubled youths characteristically have difficulty getting along at school, but also because they believe that the independence and responsibility associated with doing adult work can often be more valuable than counseling in giving adolescents a chance to become competent and proud of themselves.

C. Quantification of Service Needs

The service needs of status offenders are difficult to quantify for several reasons. In many States, status offenders are labeled "delinquents" or "dependent children", making it difficult to know how many status offenders are currently being referred to court and placed in or referred to community services. Many States collect very little information on the numbers of status offenders in private placements or the length of time spent in these programs.

Were such data available for planning purposes, there would still be a problem in quantifying the amount of various services needed in a particular State for a given population of status offenders, since policy choices are crucial in determining the desirable mix of services. For example, a choice to do everything possible to keep families together could result in a major investment in day services, with a correspondingly small investment in residential services such as group homes and foster care. Utah has chosen this pattern of service provision out of a commitment to keep families intact. The same linkage between the use of residential and nonresidential services was found in a 1977 California Youth Authority Task Force Survey of counties, which found an inverse relationship between the crisis resolution capability of a community and the number of nonsecure beds it used for residential placement of status offenders. Although it is clear that a community will place or refer children to the facilities it has available, the observation points up the importance of the choices made for the initial investment in community-based facilities and the difficulty of specifying how many services of a particular type are needed.

As demonstrated earlier in this chapter, most States have initially chosen to develop a core of residential services. In many of these States, however, the particular mixture of services found

is not a result of a conscious policy choice. The individual youth service systems have grown in a fragmented and poorly coordinated fashion and without any overall design.

D. Difficulties in Coordinating Youth Services

The fragmentation of responsibility for troubled youths and families not only makes thorough and consistent information difficult to collect, it can also have serious consequences for the quantity and quality of services available to children in trouble. With formal responsibility for custodial care and other services divided among the police, courts, a host of State, county and local government agencies or institutions, private service providers, and volunteer groups, the job of systematic planning and coordination becomes particularly difficult.

The lack of overall policy direction and failure to coordinate services for youth, which was common in the case-study States, is not a consequence of the deinstitutionalization issue. But, the process of providing community-based services for greater numbers of troubled youth has thrown into relief the contrast between providing social services to children in institutions, and providing the same services in community settings. When a group of children is institutionalized, the task of assembling an educational program, medical services, counseling, and structured recreation is not overwhelming. If the same children are taken out of institutions and sent back to their communities for services, actually getting the same range of services to them is immediately complicated. In urban areas, a full range of services may be readily available, but if there is no central physical setting to "dispense" all services, they may not reach the children who need them most. The organizing, coordinating, and actual delivery of services by the responsible State or local agency necessitates involving many more independent agencies. In rural areas, highly specialized services such as mental health diagnosis and crisis counseling may not be available at all.

In the States visited during the course of the case studies, we found attempts to deal with these problems at two levels. In some instances, States had created special committees or task forces bringing together personnel from various agencies to develop policy or procedures in specific problems areas such as standardized licensing and fee schedules for care purchased from the private sector. At the lower levels of the State bureaucracy, some frustrated case workers have not waited for direction from the top, but have tried to coordinate the service system through interagency intake or diagnostic teams. Private service workers have also organized to act as central clearinghouses for information on referrals and placements. Informal coordinating efforts appear to be most successful outside major urban areas where caseworkers know each other well, and information can be exchanged with ease. Where attempts have been made to standardize procedures at the State level or to encourage

interagency cooperation at a local level, the coordinating mechanisms were new, and youth service workers continued to complain of serious problems in providing community-based services to troubled youths.

The consequences of a fragmented system for children who need community services are several. At the intake level, where decisions are made to refer a child to court or informally to recommend certain services, the police or case workers may not be aware of the full range of services available in the community. If knowledge about community resources is incomplete, a child can find himself referred to an agency which is not well-equipped to help him with his problems, or in court more frequently than is necessary.

For one type of status offender, the problem is particularly serious. Despite the frequent contention that status offenders have problematic characteristics in common with other troubled youth, many officials and youth service workers find in their experience that a sub-group of "hard-core" status offenders have problems more severe than most other troubled youth. They find this type of offender to be the youth most in need of community services and also the most difficult to serve.

It can be difficult to provide services to these youth for two reasons: first, he is likely to be defiant to all forms of authority. He may also resist the idea that he is an "offender", who has done something so wrong that he deserves punishment or treatment. Individuals interviewed contrasted this attitude with that of delinquents who are more likely to recognize the authority of the juvenile justice system and the legitimacy of punishment for their criminal-type behavior.

Second, some public and private agencies strenuously resist providing services to troubled youth who are more defiant, uncooperative, and troublesome than their traditional youth clients who tend to be more pliant or at least familiar. Taking on a new group of clients who are difficult and out of the ordinary can require a redefinition of the agency role and can place added demands on its budget. Thus, the fact that a community has a broad array of youth services does not mean that it is necessarily easy for a status offender to gain access to them. In a service system divided into specialized categorical services, few settings appear suitable for the multi-problem child. Interviewees report that this youth is sometimes institutionalized in private care, or can "fall through the cracks" of the system and not receive any services at all, although his diverse and serious problems are particularly deserving of attention.

Another possible consequence of fragmentation may be a tendency to overdevelop residential placement services to the exclusion of day services, because it is easier to bring services to a group of children residing in one spot than to organize a series of individual treatment programs for youths remaining with their families, and

because funding seems to be more readily available. One could argue that group homes in particular are the community-based equivalent of State institutions insofar as they both provide bureaucratic convenience by offering several services under one roof. Although no one argues that group homes are the same as training schools, it is also true that officials in at least one State are concerned that community-based residential services are modeled on institutions and ask whether greater emphasis on day services would not make more sense for many status offenders. Day services are cheaper than residential placements, and, more important, they are less restrictive and keep families intact. No doubt some number of troubled youth need a residential placement outside their own homes, but it is possible that group home and other residential placements are not always made because removal from the family is in the best interest of the child. In some cases, it may be the simplest and most bureaucratically convenient way to provide a service.

IV. Cost Analysis

A. Issues and Limitations

One of the central concerns of this study has been to determine what the costs of deinstitutionalization of status offenders have been in those States which have had experience in the area. States beginning the task of deinstitutionalization are concerned about the financial consequences of such a decision. Local and State governments, feeling the pressures of inflation and increasing demands for service, see the resource question as critical. From the point of view of the Federal agencies involved, OJJDP and HEW, who are responsible for providing funds, guidance, and leadership, the cost question is also important.

Questions of cost within the complex system of public service delivery are difficult. The questions of fixed vs. variable costs; to whom costs or savings will accrue; whether the costs are current or future; one time or continuing; and how they are computed must all be considered. After having completed case studies in ten States, and examining the cost issue in each instance, the following factors appear to be critical in determining just what costs have been associated with deinstitutionalization of status offenders:

- the numbers of status offenders who were or would be placed in detention or correctional facilities prior to a deinstitutionalization effort;
- the prior and current costs of maintaining those children in institutional settings and what happens to the resources formerly devoted to maintaining those children;
- the proportion of those status offenders who actually receive services as alternatives to institutionalization;
- the unit costs of those alternative services;
- the reaction of alternative service delivery systems in terms of generating additional services or absorbing these juveniles without increasing their capacity;
- who pays (which level and agency of government or the private sector) for institutionalization vs. alternative services; and
- the nature of the costs associated both with institutional placement and with alternative services--fixed vs. variable, current vs. future, start-up vs. operating.

These factors associated with determining costs create enough complexity in and of themselves to make cost calculations difficult.

In addition to these factors, however, are several other conditions which must be accommodated.

There are many other changes going on in the States--inflation, policy changes, reorganization, new Federal programs, statutory changes affecting definitions of status offenders, changes in age of majority, jurisdiction over status offenders, etc. Such coincident changes may well mask changes related to the deinstitutionalization irsue. Deinstitutionalization may be so much a part of such related changes that it cannot be regarded as a discrete process with measurable costs.

Underlying all of these issues, moveover, is the quality of information about status offenders, services and costs thereof. The data systems in the States we studied are, without exception, inadequate to the task of defining precisely what the cost impacts of deinstitutionalization have been. Even in the best instances where sophisticated automatic data systems exist, they may provide information only on a part of the picture (e.g., information on public facilities but no information on private facilities). In the very worst instances, there is data lacking even on the numbers of status offenders moving through the system.

Experience in the ten States studied strongly supports the conclusion that the costs of deinstitutionalization are not predictable in any abstract way. They cannot be calculated simply on the numbers of children involved. They depend upon the approach taken in deinstitutionalizing, on conscious choices made by public agencies involved and on what the juvenile justice and service system look like in a given State.

B. Cost Impacts--The Results of Ten Case Studies

If one considers deinstitutionalization the process of shifting youngsters from more expensive, to less expensive services, the expected outcome would be cost savings. In some States, we have indeed seen evidence of some cost savings. However, the outcomes vary from State to State.

1. Non-instutitional Services are Less Expensive

With few exceptions, the per unit (per child/per day or month) cost of providing non-institutional services to youth is less than the per unit cost of maintaining children in secure detention and correctional facilities.

- In some States, the cost information is identified only within the budgets of several agencies and deinstitutionalization appears to have had little net impact on expenditures--there have been no marked increases or decreases in outlays (e.g., Florida, Wisconsin, Oregon).

- In other States, because cost savings have been realized and the system is relatively easy to analyze, it is possible to see savings (e.g., Connecticut, Maryland, New York).

- In at least one State, the information is so inadequate and the experience so limited that it is impossible to say one way or the other what the impacts have been (e.g., Arkansas).

- Finally, there are incremental costs being incurred (or dollars legislatively committed) in some States to achieve deinstitutionalization (e.g., California, Iowa, Utah). Even here, perhaps, the most interesting observation is that in no instance did their perception of cost deter these ten States from moving toward the major change in social policy. Further, our analysis of costs actually being experienced suggests them to be less than those anticipated.

2. Costs vs. Budgets

This suggests that the genesis of an increase in outlays is not in deinstitutionalization, but rather in the inability of the system to transfer resources, to reduce capacity, etc. Further, increasing demands for services of those delinquents coming into the institutions would have to be met in the future with expanded capacity or additional facilities. Thus, increased expenditures in one section may be balanced by a slowing of budget increases elsewhere. Where States are concerned about the cost implications of deinstitutionalization, they might well focus on ways to actualize the savings implied in transferring youth from more expensive institutional settings to less expensive community ones.

3. Summaries of Costs in Ten States

Some States have conducted analyses of what the impacts of deinstitutionalization would be. California, Oregon, and Utah have done such analyses and, in each case, have estimated that deinstitutionalization will result in significant net incremental costs. Assumptions underlying these analyses omit the possibility of cost savings resulting from deinstitutionalization. Further, the studies assume that the entire population of deinstitutionalized or non-institutionalized status offenders will require alternative (usually residential) services. In each case, these are projected future costs. When examining what have been the costs of deinstitutionalization in those States which have already implemented such a policy, it was difficult to document that substantial incremental

costs actually accrued as a direct result of the deinstitutionalization of status offenders.

Following are brief summaries of the perceptions of State and local officials in each State regarding the cost implications of deinstitutionalization along with our own assessment of costs. As mentioned elsewhere in this report, problems of data within each State and comparability among the States suggest that these summaries be read with caution. They are presented here to highlight the cost question from State to State, but are best understood in light of the descriptions and context found in the full case studies.

ARKANSAS

A. Perceptions of State Officials

Arkansas has created a new Division of Youth Services to assume the primary responsibility for coordinating, sponsoring, and providing youth services. One of its functions is to act as a liaison among local communities, State agencies, and the Federal government to obtain and channel Federal financial assistance for youth services. They currently depend heavily on Title XX, Social Services funds, a Statewide DSO project grant from OJJDP, and block grant crime control and juvenile justice funds. State funds support the cost of the training schools, and provide the necessary match for Federal grants.

The State's primary strategy is to develop comprehensive community-based services and to fund their operations with Title XX funds. As one-time Federal grants disappear, staff cutbacks appear likely. No one has predicted a reduction of training school space or a transfer of funds from that budget. Current estimates of the operating cost of services to be developed for deinstitutionalized status offenders are $4 million annually, to come from Title XX and a continuation of the approximately $7 million for the training schools.

B. Commentary

Since much of the Federal money currently being used is for start-up purposes, it can lapse without service shut-down. Some State and local assumption of costs will presumably be necessary where court services workers have been funded and where DYS staff has been paid for with Federal funds.

CALIFORNIA

A. Perceptions of State Officials

Two studies have been undertaken during the past year, one by the California Youth Authority (CYA) and one by the County Supervisors Association of California. The first calculated that the cost of removing status offenders from Juvenile Halls (as required by A.B. 3121), and placing them in appropriate residential alternative settings would be $6,000,000 per year. The second study estimated a $12,000,000 impact for the same set of conditions.

B. Commentary

Our review of potential costs concluded that a target population of 750 detainees and 1800 juveniles requiring correctional treatment would cost $35,128,800, which is $7,614,000 less than comparable bed space in detention and correctional facilities. The projection of net savings assumes that the same number of juveniles will need services in alternative placements, that all of them can be transferred from detention/correctional facilities simultaneously and that there can be a direct, immediate transfer of funds from county institutional to community service budgets. Compared with other States studied it is fair to say that, until this year, California made an inordinate use of detention and local correctional facilities for status offenders.

CONNECTICUT

A. Perceptions of State Officials

Connecticut has been pursuing a deinstitutionalization policy for several years, with only 12% of court referrals being status offenders, with close-down since 1972 of one training school, and with detention of status offenders at only 820 in 1975. Thus the costs of moving these numbers of children out of such placements is not seen as major, although the receipt of $1.4 million in the form of a special emphasis grant from OJJDP to the State was welcome to ease the way. A number of judges and court officials see the research focus of the DSO project as unfortunate and would prefer to see those funds go to develop services.

B. Commentary

Current detention figures are low enough that reserving one bed in each of ten group homes as an alternative to detention would provide sufficient bed space for status offenders, at a cost of approximately $[illegible]50,000 based on an estimated average three-day stay in detention. State policy, however, does not presently encourage use of group home beds in this way, although the cost estimates would likely remain valid in other settings.

Costs of continuing the programs specific to the extremely troublesome (e.g., chronic runaway) status offender will be higher on a per diem basis. Such programs, whether on a long-term treatment basis or on the maximum intervention model (intensive diagnosis and evaluation followed by a supervised treatment plan) may be difficult to retain when the grant lapses.

FLORIDA

A. Perceptions of State Officials

State officials believe themselves to be in virtual compliance with deinstitutionalization requirements as a result of having removed their CINS from the juvenile justice system and placing them into the child welfare system. They did not perceive significant increase in outlays as a result of this decision.

B. Commentary

Apparently, many status offenders simply have dropped out of the system at the State level, since they were redefined as dependent children. The delinquency system has not experienced budget cuts or transfers of their funds to the welfare system. It seems rather that resources devoted to status offenders in institutions have been redirected to a larger delinquent population. Since, according to State figures, child welfare services tend to be much less costly than services to delinquents, it can be asserted that cost reductions have been experienced and that the delinquency system has had more resources with which to service its own client group. The scope of that savings is unknown, however. At the time of the change, the Social Services agency estimated that some $6 million annually was devoted to serving status offenders in residential settings. How much of that potential cost saving has been offset by costs now incurred in the welfare system is unknown, as there is no adequate data available on how many former CINS are now receiving services under child welfare.

IOWA

A. Perceptions of State Officials

State officials do not view the cost of deinstitutionalizing status offenders to be in any way restrictive upon the State's options. Their experiences indicate that private service providers can manage independently of start-up grants after about two years. In addition, the State Department of Social Services directs a good deal of its Title XX funds into status offender services.

B. Commentary

Our examination of status offender and non-offender cohorts within the larger detention and correctional facility populations indicates that the current costs incurred for those groups is roughly $739,716. Foster care, which is fairly expensive in Iowa (thus accounting for the ability of the private sector to be self-sufficient), runs as much as $45 to $50 per day. If the 70 status offenders in training schools in FY 1975, and the 198 accused status offenders in detention in FY 1976, all received 30 days of foster care, even at $45 per day, the total cost of alternative services would be $361,800, or $377,916 less than the costs in detention and correctional facilities.

MARYLAND

A. Perceptions of State Officials

Maryland has done no analysis of the cost impact of their 1974 change which prohibited placement of CINS in detention or correctional facilities. They believe that the cost of deinstitutionalization has been minimal. One State training school formerly used primarily by CINS has been closed, making it possible for the Juvenile Services Administration to realize a direct cost savings. Although the exact number of CINS placed in alternative community programs during 1974 and 1975 is not known, the costs of community programs most often used by CINS tend to be lower than the costs of institutional placements.

B. Commentary

Before Maryland changed its Juvenile Causes Act, it detained or committed a greater number of CINS in State institutions which remain in operation than it did in the one institution which closed down. The cost of providing alternative placements for some of these youths was not offset by any institutional savings. The exact costs incurred can only be estimated since the number of CINS who found alternative placements is not known. If added costs were involved they were probably not major. Before deinstitutionalization, Maryland had developed a network of community-based facilities. Maryland still faces added costs in ending some continuing detention of status offenders in State institutions, and in ending the large number of out-of-State placements in private institutions.

NEW YORK

A. Perceptions of State Officials

The Director of the New York State Division for Youth asserts that deinstitutionalization will be less costly in the long run than maintenance of PINS in institutional settings. This is based primarily on lower costs for alternative services and on a strategy of closing institutional capacity.

B. Commentary

Any costs associated with removal of PINS from training schools in New York have already been incurred since no PINS remain in those facilities. The primary identifiable funds used to effect the change came from a $1.7 million grant from the SPA to develop alternatives to such placements. Maintenance of the system should be possible within existing State resources since the alternative placements are less expensive, and the State has a history of closing down institutional capacity.

As to detention costs to be incurred or saved as PINS are less frequently held in secure detention, the situation is still speculative. The detention policy and practices study done by DFY outlines a possible strategy which would dramatically reduce the number of secure beds needed. Further, DFY has informed the counties it will no longer share costs for secure detention of PINS, which may produce local policy changes. Futher, the DFY detention plan calls for closing some secure detention within a year and for securing from each county a detention plan as a management and fiscal control. No State law prohibits keeping PINS in secure detention, and only experience will show the effectiveness of these administrative measures.

Our analysis of cost impact suggests a minimum savings of $2,700 per person-year of placement as an alternative to the training schools, and a potential savings of $3.5 million with a shift in detention policy to non-secure beds.

OREGON

A. Perceptions of State Officials

The Legislature of Oregon is quite concerned about the potential cost impact of participation in the Juvenile Justice Act. The State Planning Agency in preparing a cost analysis for the Legislature's consideration, estimated that it would cost in the neighborhood of $1.25 million per year to support alternatives to detention. (Status offenders can no longer be placed in the State's training schools.) However, the State Legislature's own research service, in assessing a 1975 change in State law removing CINS from training schools, prohibiting placement of CINS in training schools in the future and limiting the length of stay of status offenders in detention, did not note increased costs associated with implementation of the statute.

B. Commentary

Assumptions underlying the State's estimate of cost impacts include providing alternative residential placements to all status offenders who otherwise might be detained, and do not account for any cost savings as a result of avoiding detention in jails or juvenile detention facilities. Assuming some mix of less expensive services and

some portion of the population at interest not requiring service, the costs of providing alternative services to the currently detained population of status offenders might well be less than the estimated cost of maintaining those youth in detention. If we take the figure of 5,070 status offenders detained in 1975--as the special study done by the Oregon SPA reveals--we might estimate that the cost of those detentions (5,070 x 3.25 days per detention x $35.75 per day) would be approximately $589,071. If only some portion of those savings might be actualized, the costs of providing alternative services might well be offset.

UTAH

A. Perceptions of State Officials

A study conducted by the SPA about a year and a half ago estimated that the cost of deinstitutionalization would run anywhere from $172,938 to $1,074,576, with a likely cost being somewhere between $429,912 and $442,502: the actual figure would depend upon what mix of residential alternatives was actually used.

B. Commentary

The above average cost estimate does not, in our opinion, fully reflect the cost of deinstitutionalization. Our estimates run over the maximum figure quoted. Based upon the selection of service options, we estimate that current non-residential services, if properly expanded, would cost about $550,000. Foster care costs, added together with the staff costs of the State's protective services and mental health services, and the SPA projects funded for deinstitutionalization, add up to about $1,625,000. Much of this cost, however, might just as easily be viewed as the result of a number of agencies redefining their target populations, as opposed to the costs of deinstitutionalization.

WISCONSIN

A. Perceptions of State Officials

The State Budget Office estimated in its 1977 policy papers that the closing of one of its State institutions, at least partially as a result of no longer placing CINS in that institution, has saved the State in the neighborhood of $240,000 per month (or $2.9 million per year). In providing a subsidy to counties for the provision of shelter care as an alternative to detention, the State has requested an appropriation of $774,000 for the first year of operation. Overall, the State feels that this will adequately meet the need for shelter care in the State and will be matched at least dollar for dollar by the counties. Beyond these assessments, the State has done no formal analysis of the costs of deinstitutionalization.

B. Commentary

In Wisconsin the costs of non-institutional services--alternatives to detention and alternatives to long-term correctional placements--are typically less costly per child, per day than are institutional placements. However, since data on the numbers of youngsters previously in the State institutions on CINS charges are not available, aggregate estimates of alternative care have not been made. With respect to detention, the State still permits secure placement of CINS in jails and in juvenile detention facilities. Therefore, cost analysis is not pertinent except in the form of a projection.

4. Comparative Costs of Alternative Services

The following Table IX arrays and contrasts typical costs of maintaining a juvenile in a detention or correctional facility with the costs of providing alternative services to the number of status offenders actually admitted to detention and correctional facilities in 1974 in each State. It is clearly not meant to be an accurate picture of the total costs or savings of deinstitutionalization in the States studied. Given the limitations of data discussed above, that precise a comparison of costs and savings is not possible. However, the table highlights several points.

- Costs of alternatives to detention and correctional facilities are virtually always less per person/per day than are the costs of placement in detention and correctional facilities.

- With the exception of New York, the range of detention and correctional costs among States is rather small. Detention costs range from $22.70 to $41.67 per person per day. Correctional costs range from $34.35 to $63.43 per person per day.

- Costs of alternatives to detention and correctional facilities vary widely. Some day services not reflected on the chart may average only a few dollars per person per day. The most typical residential placements which are highlighted on the chart range from $6.64 per person per day for foster care in one State to $45 per person per day in Iowa for residential care.

A word of caution is appropriate about the precision of the figures presented here. The numbers of status offenders in some cases represent the best estimates available, and may not reflect precisely the same time period in each case. They are used largely to give the reader an idea of the order of magnitude of the population at interest in each State--those status offenders actually in institutional settings in 1974. Costs, too, are less precise than might be hoped. Obviously, different cost accounting systems from State to State make comparisons questionable on a strict basis. Costs for alternative services are largely based on purchase of services contracts, however, so some comparisons seem useful. Average length of stay is based upon figures provided by the States, where those were available, or calculated from data on admissions, average population, etc. Where not available, we assumed an average of three days in detention and its alternatives, and six months or 180 days in correctional facilities and their alternatives.

Table IV

Comparative Cost Estimates for Institutionalized Settings and Most Frequently Used Residential Alternatives for Status Offenders

		(DETENTION/CORRECTIONAL SETTINGS)				(ALTERNATIVE RESIDENTIAL SETTINGS)		
		A. Institutionalized Status Offenders 1974 (see Table IV)	B. Average Length of Stay (Days)[1]	C. Average Daily Cost of Detention or Correction	D. Total Cost of SO Confinement (in Thousands)	E. Average Length of Stay in Most Frequent Alternative[1]	F. Average Daily Cost of Most Frequent Alternative	G. Total Cost of Most Frequent Alternative (in Thousands) (Assuming all SO's served)
Arkansas:	Detention	1,665	3	N/A	N/A	3	$ 5	$ 25
	Correction	297	180	$26.44	$ 1,413	180	$30	$ 1,604
California:	Detention	51,748	3	$41.67	$ 6,469	3	$38.27	$ 5,941
	Correction	1,800	162	$48.60	$14,172	162	$38.27	$11,160
Connecticut:	Detention	820	3	N/A	N/A	N/A	$16.67	N/A
	Correction	30	180	$54.79	$ 296	180	$26.33	$ 142
Florida:	Detention	9,839	10.4	$32.39	$ 3,314	11.5	$ 6.68	$ 756
	Correction	292	180	$34.35	$ 1,805	180	$ 5.64	$ 296
Iowa:	Detention	151	24	N/A	N/A	N/A	N/A	N/A
	Correction	87	180	$41.55	$ 651	180	$45	$ 705
Maryland:	Detention	829	15	$35.00	435	10	$10	$ 83
	Correction	171	210	$35.00	$ 1,257	180	$23	$ 708
New York:	Detention	3,029	3	$115.00	$ 1,045	3	$60	$ 545
	Correction	287	180	$ 71.27	$ 3,682	180	$40.45	$2,090
Oregon:	Detention	5,070	3.25	$ 35.75	$ 589	3	$ 8.15	$ 124
	Correction	125	180	$ 42.87	$ 965	180	$18.13	$ 408
Utah:	Detention	1,746	3	$ 22.70	$ 119	3	$ 6.50	$ 34
	Correction	80	243	$ 46.66	$ 907	243	$16.27	$ 316
Wisconsin:	Detention	7,916	3	$ 40.00	$ 950	3	$30	$ 712
	Correction	N/A	180	$ 63.43	N/A	180	$28.13	N/A

[1] Standard lengths of stay have been assumed in absence of State data: 3 days for detention and alternatives, 180 days for corrections and alternatives.

5. Political Choices and Institutional Boundaries

As mentioned before, the context in which deinstitutionalization is attempted will have profund impact on whether costs, savings, or no change will be the outcome. Among the factors which tend to cancel the potential savings of serving youngsters in alternative (and, for the most part, less expensive) services are:

- The failure to realize potential cost savings associated with removing status offenders from costly institutional settings.

  -- some costs of institutional settings are obviously fixed rather than variable and the impact of reducing population may be minimal on those costs (e.g. heating, lighting, etc.). Even where costs are variable (social workers, teachers, support staff, cottage workers), savings will only be realized when populations go down sufficiently to cancel caseloads or classes, or to shut down living units.

  -- immediate use of those institutional resources for other clients. Even though other clients (e.g., delinquents) are placed in institutional slots vacated by status offenders, the costs are now associated with a different population. From a pragmatic standpoint, the dollars needed to run the institution are still required and additional dollars (perhaps) are needed to buy alternative services for the status offenders.

- The fact that cost savings may accrue at one level and new service demands may appear at another level. If a State agency is indeed able to close an institution and develop more community-based alternatives, the net effect for the State may be a savings. If, at the same time, status offenders begin showing up on the rolls of the county social service agency, that is, indeed, a cost for the county. Of course, there are mechanisms for shifting resources to equalize the impact--a State-to-county subsidy for shelter care is one example.

- There is a tendency in public organizations to exhibit steadily increasing budgets, no matter what happens externally to their own organizations. The forces of inflation, increasing populations, organizational growth, and the fact that existing resources generate demand seem to underly this tendency.

6. Expectations and Reality

There are many reasons, then, why, despite a logical expectation that one might find cost savings associated with deinstitutionalization translating into budget decreases, these savings may not so translate. Increasing budgets or, at best, "break even" situations, are more likely. What is perhaps most startling is that, despite the fact that cost savings have infrequently been transferable for other uses (e.g., reductions in institutional budgets, institution closings, etc.), equally infrequently have we found evidence of dramatic increases in outlays specifically earmarked for deinstitutionalized status offenders. There seem to be several reasons for this:

- When institutionalization ceases to be available for status offenders, they tend to appear less frequently in the court system at all and, frequently, they simply go home.

- While status offenders in some States used to be a significant proportion of the population in detention, available data on length of stay suggests that they typically do not stay more than a few days (average length of stay in the ten States varied from 1½ - 12 days) and very often are released to their own homes. Reducing or eliminating this practice does not generate extensive demand for long-term residential services, as many of these children seem able to go home sooner than they would have in the past.

- Most States are moving toward community-based care for children as a desirable alternative to the institutional model of care. In many cases, the development of alternative services pre-dates the Federal legislation, and, while it may have grown out of the same consciousness which underlies that Federal law, it is clearly not a direct result of it. The fact that status offenders are among the young people moving into these services does not allow one to point to those services as a cost impact of deinstitutionalizing status offenders. Some part of that cost may be a related impact, but often the data are so poor as to make it impossible even to estimate some portion of those costs as attributable to the status offender population.

- The services into which status offenders might be diverted as an alternative to deinstitutionalization are relatively many--mental health, vocational education, alternative schools, crisis counseling, youth service bureaus, drop-in centers, charitable, recreational and athletic programs, etc. Hence, the impact

of status offenders moving into those services is quite diffuse. Those systems appear to be absorbing this type of child to some degree without unduly taxing their resources and without even identifying them as status offenders.

7. Conditions of Savings

In those instances where cost savings have been visible, largely New York and Maryland, several conditions seem to have facilitated those savings:

- The shut-down of institutional capacity. In such instances, the cost savings are clear-cut and measurable. Closing institutions or portions of them as an accompaniment to deinstitutionalization makes cost savings quite tangible and has freed resources for other uses. In the short run, tracing budgetary transfers from the institutional unit to the community services unit is fairly easy. Over budgetary cycles, however, that will tend to become murky, particularly if the Legislatures attempt to recoup the savings derived from the shut-downs, in the face of escalating costs in other institutions remaining open.

- Delivery systems which incorporate both institutional care and alternative services. If the agency responsible for institutional care also provides non-institutional services, it is administratively feasible to capture cost savings and transfer them to finance alternatives. On the other hand, where alternative programs are funded at the local level, while institutional care is financed at the State level, actualized cost savings from institutions may be transferred to alternative care using some special mechanism such as a State subsidy program.

- The observed tendency of some children to drop out of the system when institutionalization is no longer an option. It may well be that some portion of the institutionalized population really do not require alternative services. It appears that eliminating the institutional placement option tends to discourage the system from capturing some group of young people. Since this tends to reduce the absolute size of the population demanding services, the need for expenditures goes down accordingly.

- For the most part, non-institutional services cost less per child per day than do institutional placements. While there may be exceptions at the extreme--where children might require inpatient psychiatric care or residential placements in specialized facilities for the disturbed or retarded, these instances appear to be a relatively small portion of the population. Most other placements--group homes, foster care, day services of many types, shelter, etc., tend to be less expensive than secure juvenile detention or training school-type facilities.

8. Cost Impacts of the OJJDP Definitions

For purposes of our case studies, we have examined the experience of removing status offenders from what the States consider to be detention and correctional facilities, and of placing at least some of them in what they consider to be alternative types of services. Virtually all of the States began this process in ignorance of OJJDP's guidelines which define what, for purposes of compliance with the Act, will be considered detention and correctional facilities. Clearly, the strict application of those guidelines will redefine what some States view as "alternatives" as "correctional" facilities. Applying those definitions will have profound cost implications for the States. Understanding the full ramifications for the States would require:

- knowing precisely which of the States' potential services for deinstitutionalized status offenders qualify as detention/correctional facilities under OJJDP guidelines;
- determining how many status offenders are in those facilities;
- determining which of the States' other potential services are not such proscribed facilities and which might accept status offenders;
- determining what new programs need to be created and what the costs of those new programs might be.

9. Length of Stay

The length of stay in a program, whether it be residential or nonresidential, is one element in determining the cost of serving an individual client. Even though it may be more costly to maintain a juvenile in a detention facility than in

a group home, on a daily basis, the length of stay in each setting will determine their overall comparative costs. Where the stay is the same in each setting, detention will usually be more expensive. However, if young people typically stay longer in alternative programs, the total cost per client may be higher in those programs. Anecdotal information gathered in the course of our case studies suggests that stays in shelter care, for instance, may be longer than stays in secure detention. Opinion among some of those working in the field is that desirable and successful alternative services may tend to drive up the average length of stay. Unfortunately, there is only fragmentary information on length of stay in alternative programs, and only slightly better information on length of stay for status offenders in detention and correctional facilities. In almost all cases, data regarding length of stay is for the entire institutional population rather than for status offenders as a discrete group. In constructing illustrations of comparative costs of services (shown on Table IV), we have used whatever data we were able to collect on average length of stay. Where this information is missing, however, we have assumed stays in detention or correctional facilities to be comparable to stays in the most frequently used alternatives to those settings.

10. Monitoring Systems

While all of the ten States we studied have made some progress toward deinstitutionalization of status offenders, they typically have not constructed monitoring systems to keep track of their own progress. In order to comply with the mandates of the Federal Act, such monitoring systems will have to be built from scratch or will have to expand upon existing systems which currently serve other management and reporting needs. Nowhere did we find evidence that the States have estimated the costs of that effort, either start-up costs or operating costs. However, New York's experience may give us some feel for potential costs of monitoring. There, we found that the State was utilizing LEAA grant funds to support administrative efforts to design, establish, and coordinate such a mechanism. For FY 1977, a $50,000 grant to the State Division of Corrections and a $50,000 grant to the State Division for Youth were supporting efforts at monitoring compliance. In addition, a staff person within DCJS (the State Planning Agency) was being supported through grant funds specifically for the purpose of coordinating and providing technical assistance to monitoring efforts in the State.

C. Funding Implications

Another concern of our study was whether deinstitutionalization might create new and different demands for services which are typically Federally funded, and, if so, how Federal agencies might best respond.

State and local officials only partly understand the Federal funding process. Sophistication about how States access those funds and for what services or clients is usually limited to a few people in the State agency most immediately impacted by specific funds. Additionally, lack of data is also an issue, in that State tracking systems typically do not give much information about client populations or funding sources related to particular client groups or even to particular programs.

1. Currently Used Sources of Funding

There are two uses of Federal funds which appeared most relevant to the deinstitutionalization of status offenders. First, some funds are deliberately being used as part of a strategy to effect deinstitutionalization. Second, other funds provide services to non-institutionalized status offenders through their continuing support of general social services systems--mental health, child welfare, education. These appear to be absorbing status offenders who might otherwise be held in detention or correctional facilities.

- Strategic funds. In most of the ten States, attempts at deinstitutionalization have been aided by specific project grants directed at providing status offender-specific services, at coordinating deinstitutionalization efforts, at youth advocacy efforts including deinstitutionalization, and at developing monitoring systems. Sources of these funds include Crime Control funds, both discretionary and block; Juvenile Justice funds (including Special Emphasis Grants for deinstitutionalization which we found in two of these ten States); and Office of Youth Development funds, particularly for the support of runaway houses and counseling services.

- Continuing service support funds. These are funds which typically support general social services, sometimes including youth services, and which almost certainly are reaching some population of status offenders. Unfortunately, data systems concerning these services do not generally identify sub-groups of the populations which they serve. These systems are clearly seen as resources for alternative services by those concerned

with deinstitutionalization. The services themselves may simply be absorbing some number of status offenders in their client population, without any definition or recognition of them as status offenders. Without any strategy toward deinstitutionalization, these services would still exist. They represent a different type of funding resource than do the strategic funds identified above.

Title XX of the Social Security Act is perhaps the most significant funding source of this type. The funds flow to the State social services agency and from there to specific programs which provide children's and youth services. In many States, Title XX is the major support for the States' network of foster homes, regardless of the reasons for which juveniles are placed in them. We did not find precise data on what range of services those funds were purchasing for how many status offender clients--as mentioned above. We did find Title XX providing substantial support to agencies which would most probably be servicing status offenders--sometimes in excess of 50% of the entire agency budget, (e.g., Oregon). In other cases, Title XX funds were being passed through to county social service agencies, and represented more than half of their individual budgets (e.g., Wisconsin).

Another significant source of funding in this category was Title IV, Part A of the Social Security Act. Under this Title, funds are provided to help needy families with dependent children who must be cared for in foster care or institutions because of some crisis situation. This is also a formula grant program with Federal share based on a State's average monthly payment to eligible children in foster care. Again, tracking status offenders within this population is not possible given existing data. It does appear to offer a significant support for court-related children placed in out-of-home care. In some States, we were told that income eligibility was investigated for every child in care, suggesting that Federal subsidy for this type of care is a significant item in the maintenance of court-related children.

- Ancillary services systems. In addition to funds which were being used strategically to further deinstitutionalization and generally for major social services funding, other service systems which receive significant federal funds were also encountered in our case studies. Mental health, retardation and developmental disabilities, as well as education, are pertinent here. These are services which receive substantial amounts of Federal

dollars through a variety of funding sources. In most States, we found individual instances of programs which were focusing upon the needs of children having problems in schools, or disturbed children classified as status offenders by courts. The information which we have is fragmentary and largely anecdotal. It is best reflected in the individual case studies of each State. Clearly, courts refer children for psychiatric services, and some children are placed in in-patient mental health services. Also, there are some alternative educational programs which are focusing specifically on truants or children troubled in school. Such programs do not typically deal solely with children as status offenders. Thus, it is not possible to measure precisely the overall funds involved--either their source or scope, much less the share devoted to status offenders. Based upon interviews and the perceptions of State and local officials, however, it appears that these services and Federal funds to support them are absorbing some number of non-institutionalized status offenders without even recognizing them as such. A general need for more mental health services or alternative education programs may be perceived, but that need is not perceived as a result of an increasing number of status offenders as clients. Since there has not been a noticeable influx of clients (coincidental with de-institutionalization) into other systems, it is also possible that some status offenders may simply drop from any public intervention system.

1. Federal Funds and State Strategies

To a significant extent, the role of Federal funding in deinstitutionalization of status offenders depends upon strategy choices made by States and localities. For instance, in New York alternatives to secure detention are being funded through LEAA grants and local match. It is anticipated that they will then be picked up by a combination of local and State monies. In Wisconsin, the State has appropriated funds for shelter care as an alternative to detention which will be used to reimburse localities for half their costs, provided no other State or Federal funds are involved. This strategy follows on the development of those shelter care programs through funds from the Wisconsin SPA. In Arkansas, development of youth programs, while relying on Title XX funds, is also planned around the acquisition of significant Federal crime control monies. In Oregon, it is anticipated that services to status offenders will be financed through the State agency for children's services which receives most Federal funding through Title XX and AFDC-FC. In California, State law requires that any services which the State mandates of localities, it must fund.

If alternative services are to be mandated by State law, presumably the State will signal the need for significant involvement of its own in financing that requirement. In sum, it appears that States are tapping into Federal sources of funds in a variety of ways depending upon their own strategies and needs.

3. Conclusion

With respect to implications for Federal funding, we conclude the following from our case studies:

- alternative services for status offenders exist in a variety of systems already operating in the States;
- the States appear to be using continuing funding under the Social Security Act--particularly Title XX and Title IV Part A to support operating expenses of services to children, some of whom are deinstitutionalized status offenders;
- States are using more specialized categorical grants to fund strategic programs to help effect the process of deinstitutionalization. Where experience is mature enough, it suggests that these programs are being picked up with local and State funds, (i.e., these Federal funds are acting as seed money for local initiative).
- most of those systems are receiving some Federal support which the States access through strategies that vary from State to State;
- because the service systems are relatively many and relatively large in contrast to the potential population of deinstitutionalized status offenders, massive gaps in service requiring major Federal funding initiatives do not appear;
- numbers of status offenders as potential clients appear to go down anyway, suggesting a decreasing client population rather than a constant or increasing demand.

The conclusions suggest an alert, but relatively passive Federal stance in terms of new programs or new funds for status offenders. Appropriate Federal actions include:

- monitoring the progress of deinstitutionalization to identify any changes in these trends which would warrant a change in Federal posture;

- monitoring significant Federal programs--Title XX and IV-A--to flag any Federal or State regulations or policies which will inhibit status offender access to services;

- confirming status offenders as a legitimate client group for these programs.

V. Issues

During the field work for the ten case studies, a number of issues surfaced which were of concern to key public officials in the juvenile justice system in these States. Some of these were relatively minor or related only to an individual State's political disputes or interagency or intra-agency disagreements. However, others arose wherever we went and provide an understanding of the problems which still must be addressed if we are to adequately serve status offenders in non-institutional settings.

In this section, we present a brief discussion of the arguments, both pro and con, surrounding these major issues, and our analysis of the importance and likely impact of the issue.

A. Public and Official Attitudes

The term "status offender", to the general public, requires explanation; the issue of what to do with status offenders has very low visibility. Contrary to concerns with crime, drug abuse, high taxes, or other outrages against the public morality, juvenile offenders who have not committed crimes are not often in the public spotlight. Although the idea of not incarcerating a child who has committed no wrong is initially and instantly attractive, the move to deinstitutionalize is usually advocated by a relatively small number of vocal proponents.

However, the public is also made up of parents, teachers, policemen, judges, and neighbors who are concerned about children who are unruly, who run away, who do not attend school, who dress and talk and behave in a manner which incurs adult disapproval. Children who are rebellious, who talk back, who won't obey a parent, who stay out late, who are sexually promiscuous, or who dislike school, are considered problems. When parents or teachers or neighbors cannot deal with the problems themselves, they turn, in many cases, to the police and the courts. A belief that the court can straighten the child out, that the training school will help him, or that a few days in jail will teach him a lesson, seems to be widespread. While most children who do not commit crimes do not require such solutions, some do, goes the argument. And when a child who is troublesome confronts and repeatedly rejects adults' authority and rules, something must be done.

Therefore, without needing to make the issue more explicit, parents, school administrators, police officials, and judges all tend to perceive general public support for the right to detain children (for their own good) and to place them in juvenile detention and correctional institutions when they are perceived to exhibit behavioral difficulties. Most will agree that such youth should not be mixed with hard-core criminal youth; but help should be provided, even (perhaps especially) if they don't want it.

These same "publics" agree that, in principle, a child who has committed a single, non-criminal act should not be incarcerated, but repeated offenses may require different action.

Further, even where treatment or help is undeniably required, the detention center or the training school may be seen as the logical source of help for a number of reasons. First, there may be very little in the way of youth services in the community. Second, the State or county may only be able to pay upon court order and the parents may be unable or unwilling to pay. Third, the child may not want help and coercion may be necessary to make sure he will accept it. Fourth, leaving him in community-based services may require family cooperation, support or discipline, none of which may be present. Fifth, a variety of local resources may have been tried to no avail, and commitment is seen as a last resort. Sixth, it may be perceived that the behavior is so self-destructive or dangerous to the community that incarceration, at least briefly, is necessary, as with a chronic runaway or violent or promiscuous youth.

More specifically, the juvenile judges tend to feel a responsibility to provide help, and to utilize a secure placement, if that is necessary. In some cases, the parents are so ineffective, the family so helpless, that some alternative residence is required to allow a set of problems to be addressed. The balance of judicial experience with such cases in the past may dictate a cooling-off period in detention, or the structure of a training school. In still other cases, the judge is faced with a runaway from another State and will hold him until his parents or responsible parties can pick him up.

Thus, the judges tend to feel that, while deinstitutionalization for most status offenders is fine, institutional placement should be retained as an option. Some children, such as are mentioned above, require temporary detention. The judicial attitude is particularly important for a number of reasons.

- Judges will likely both influence and reflect the attitudes of the establishment in their communities.

- Judges will influence proposed State legislation, as well as the degree to which standards and procedures for juvenile intake and detention are accepted.

- Since many status offenders have also been involved in criminal-type behavior for which they might be adjudicated, judges may well opt for the more serious petition if it offers them broader dispositional options - including institutions. Hence, restrictions upon dispositions permitted for status offenses may not prevent judges from incarcerating youth they feel need such treatment. The resulting criminal stigma may become, during a child's lifetime, more damaging than would the institutional confinement alone.

- Finally, the judges deal with cases individually and must act; they have not the luxury of making policy for others to implement; their views are founded on both their senses of experience and responsibility.

Most judges would be happy to cease detaining any and all status offenders if alternatives can be provided which fill the bill, including a program that would keep the runaway from running. But many see the deinstitutionalization issue as one joined by "do-gooders" who will soon move on to another, newer issue, leaving the courts to carry one, perhaps with fewer options than before.

With respect to schools, attitudes seem to be in a state of flux. On the one hand, some school systems have made significant efforts toward developing alternative schools and special programs, on ensuring the rights of students to be heard, and on cooperating with social service agencies. Others seem to focus mainly on serving their students who keep up, not those who fall behind or need special help. The truant may also be a discipline problem, a below-average student, and have a difficult family situation. School personnel don't know what to do, so they do little or nothing. The option of having truants sent to a training school may not be their choice (and relatively few youths are sent to institutions primarily for truancy), but neither do many schools accept them as their responsibility.

B. Status Offense Jurisdiction

Another issue generating considerable debate is whether status offenses should be removed from the jurisdiction of the juvenile court. Indeed two of the case study States -- Florida and Utah -- have taken steps in that direction. Florida redefined its CINS as dependent children and simultaneously reorganized the State youth services structure. In the process, the court lost a caseload, at intake, of about 18,000 cases. Florida retained, for a child who is adjudicated "ungovernable" a second time, the option to treat him as a delinquent. Iowa has similar legislation pending and likely to pass.

Utah removed original and exclusive jurisdiction of the Juvenile Court for ungovernables and runaways, giving it instead to the Division of Family Services. Again, however, if DFS cannot, after "earnest and persistent" efforts, effect appropriate progress, such children may re-enter the court's jurisdiction.

In essence the case for removal of jurisdiction is that juveniles exhibiting such behavior do not belong in the juvenile justice system but rather in the social services or child welfare system. A number of standards and advocacy groups have recommended elimination of status offense jurisdiction. The Standards and Goals Task Force for Juvenile Justice and Delinquency Prevention was a notable

exception, rejecting an either/or choice between accepting current practice or eliminating jurisdiction. Our purpose here is not to review in any detail the arguments pro and con, but to report that the issue is not at all dead in the States visited.

Beyond Florida and Utah, interviewees in most States were willing to assert the more extreme sides of the issue. Not surprisingly, juvenile court judges felt strongly that jurisdiction should be retained. Other officials argued that, ultimately, court jurisdiction should be eliminated, although that view tended to be strongest among outside advocacy groups and other observers of the system. The most prevalent view of judges, service providers and youth service funding or planning bodies was that the system needed attention to cure abuses, but that removal of jurisdiction was too severe a step. Sound youth services systems, balanced and mature probation and intake workers, family service and crisis intervention networks, experienced juvenile judges, adequate procedural safeguards and limitations on dispositions would go a long way toward defusing the jurisdiction issue.

Some judges are undoubtedly zealous advocates of the parens patriae philosophy, intervening in some situations where leaving well enough alone may be preferable. Some critics are undoubtedly so blind to the possibility of situations where a child needs help or so skeptical of present systems to provide it, that they seize any word, any opinion, any action as evidence of malicious intent or incompetence. Most participants in the system are more reasonable and calm, accepting the inevitability of occasional mistakes, uneven progress, and preferring to further modify existing systems and programs, rather than betting on grand and sweeping reforms.

Ultimately, each State's political system will decide whether to thrash through the jurisdictional issue. Such a process will be painful and confusing, raising questions about the usefulness and validity of such concepts as "pre-delinquency", "prevention", "treatment", "transitional deviance", "labeling", as well as the proper roles of the court and other youth service systems. Based on our observations in these States, that issue does not seem to be likely to yield major legislative change soon. Its import is that removal of jurisdiction is only one way to deinstitutionalize, and States like Florida and Utah have had only very early and somewhat uncertain results with attempts to do so.

While Utah has removed most status offenders from training schools, the impact on detention is still unclear. In Florida, the apparent disappearance of some 18,000 cases from the court has yet to be followed by apparent significant increases in the child welfare system. In neither State is the extent of the relabeling (from status offender to delinquent), to retain jurisdiction, clear. Preliminary observation suggests that some youth will simply drop from any intervention system.

C. Fragmentation of Roles and Functions

The States we visited varied greatly in the ways that they were organized to respond to troubled youth. In at least two States, Connecticut and Utah, the juvenile court was actually a State agency. In the others, the court was part of local government, sometimes essentially independent and other times, part of a more unified Statewide court system. Some States made extensive use of juvenile referees; others relied only on full-time juvenile court judges. Similarly, the agencies with responsibility for youth services varied in size, organization, and variety of functions. Some youth-serving agencies at the State level provided relatively comprehensive services and dealt with youth in a variety of settings, including a substantial number of State-owned and operated residential settings. Others relied more heavily on contracted or purchase-of-service residential settings. In still others, primary service delivery was at the local level, with the State role being one of monitoring and perhaps of subsidizing program development.

Far more important than the mode of organization chosen was the fragmentation of responsibility at both the State and the local levels as well as between those two levels. A multitude of agencies at the State level are likely to be concerned with the status offender, including a youth services agency, a court, a State probation department, a youth corrections agency, departments of social services, education, labor or employment, mental health, drug and alcohol abuse, or perhaps a department of mental retardation, and the State Planning Agency. Similarly, at the local level, a multitude of agencies are responsible, including the counterparts of most of those above, but more specifically including the police, the court, the court workers or probation staff, a youth services bureau, youth-serving agencies (whether a comprehensive services brokering agency or individual group homes and foster care supervision agencies), the schools, and the traditional youth service agencies such as the YMCA, the YWCA, the Boy and Girl Scouts, etc. It is the exception rather than the rule that these agencies plan together to define their respective functions on their own and for each other's capabilities. It is also uncommon that they should coordinate in any systematic fashion around handling individual cases in the community. The pattern is that coordination takes place on an ad hoc, individual basis at the instigation of frustrated case workers in one or another of these agencies. An occasional modification to this rule sees the existence of some coordinating mechanisms of ongoing committees that create policies for youth service delivery. Examples would include youth review boards, interagency diagnostic committees, diagnostic review boards, and youth service committees convened by mayors, school administrators, youth service bureaus or by juvenile court judges.

Despite these attempts at coordination, the system remains fragmented, with each component of the system regarding its set of services as its primary responsibility and no one taking significant

responsibility for coordinating a unified community response. The problems with this approach are evident and the service consequences are discussed previously. The community, unless it plans together, does not know what its comprehensive capabilities are. Gaps in services are rarely evident to single observers. Individual service providers attempt to deal with children whom they are ill-equipped to serve, as well as the ones with whom they know how to deal. Referrals are often made without follow-up or supervision. The children with whom it is most difficult to deal tend to be shunted around from one possible resource to another. The capabilities that are developed are those for which the financial support is easiest to obtain. Some resources may get overdeveloped, such as foster care beds or emergency shelter beds. Others are scarcely developed or accessed at all, such as day treatment services. Group homes or mini-institutions may be favored because, with a single locus, it is easier to deliver services to clusters of children rather than having to provide a wide variety of outreach services.

Two approaches taken in some of the States we have visited hold promise. These are the development of youth services master plans, and the fostering of collaborative community planning. While neither is particularly innovative as a concept, the fact that the concepts are being acted upon is encouraging. More often than not, since coordination is hard work requiring continuing attention, it tends to remain a concept receiving far more lip service than action. Coordination, joint planning, joint service delivery definition, filling gaps in services so that they can be comprehensive, and even joint case management in difficult situations, are all time consuming. Yet without them, the fragmentation that occurs means that some children who need help never get it, others get ineffective help, and others are "helped" who shouldn't be in the system at all. In addition, the system tends to define itself in terms of the needs of the staff rather than the needs of the clients.

The master planning process has the advantage of being able to lay out priorities and direction for State agencies as well as for localities. It may choose to redefine existing roles, or to define new ones. The participants may decide to identify a set of core services intended to be present in all communities in the State. They may further sort out when a client is more appropriate for one service system than another, as well as suggest or create coordinative mechanisms that respond to current problems. The process of developing a master plan will frequently include the examination of the adequacy and allocation of resources, both financial and manpower, for State and local agencies. We have observed several instances of something like a master planning process in these ten States. While far from perfect, such efforts do have the virtue of spelling out objectives and setting priorities so that the public, the service agencies, State and local actors, and legislators can respond. Further, if the goal is not just a plan, but an ongoing process of implementation, the plan can serve as a useful road map providing guidance as to overall policy direction as well as the quantity and quality of

services desired.

The process of collaborative community planning is in some ways parallel to a master planning process, but at the community level. It can be developed within the context of a master plan, or it may be done as a substitute for that process. It is unlikely that it will happen spontaneously, and therefore requires the active and probably persistent support of some set of actors. Sometimes it can develop as a result of focus on a particular issue, such as child abuse or services for status offenders who can no longer be institutionalized. Sometimes the most likely initiators of the process are the heads of the local youth service bureaus. Once again, the idea is to define the services needed in the community, to identify the clients who come to these services (and perhaps those who do not but should), and to identify the capabilities of each of the actors in the community. This initial step allows identification of which clients are more appropriate for which agency, what gaps in services need to be dealt with, and will probably highlight particular future coordinative requirements. Such a collaborative community effort would presumably continue periodic coordination and joint planning, as well as devote some time to difficult case review.

The significance of fragmentation to the deinstitutionalization effort is that it is an obstacle to providing appropriate services in the community to troubled youth. Once the status offender can no longer be dealt with in a setting that allows detention or placement in an institution, the responsibility will increasingly fall to community agencies. Further, some of the traditional "case finders", such as the police and the pupil personnel staff in the schools, and frustrated and baffled parents, will become less likely to bring these children to the court, the traditional entry point for services. Some children will no doubt drop out of any system and simply grow out of their troublesomeness. Others will need services, and the attempt to provide a cohesive and integrated service delivery network will be essential to adequately serve this population.

D. Prevention versus Intervention

The initial question of what to do with status offenders who can no longer be detained or placed in institutions is an intervention question. That is, it is necessary to provide some range of services to allow removal of a particular population from inappropriate settings. Further, those same services and perhaps others will be necessary to allow treatment of status offenders as an alternative to placing them in institutions or in secure detention. A significant number of such services are residential in character, with treatment, counseling, job training, tutoring or diagnosis done in that residential setting. A number of others, however, are provided in a day services setting while the child remains in his own home.

It is initially with these day services that the overlap between an intervention and a prevention function occurs. Such services as youth service bureaus, crisis intervention centers, hotlines, storefront counseling operations, job preparation or training projects, alternative schools, mental health centers, runaway houses, and family counseling services, all define their role at least in part as prevention. In terms of assessing the degree to which such preventive services are part of the price tag for deinstitutionalization, one encounters substantial analytic difficulty. Most such services are not necessary to removing children from detention and correctional institutions. Many, however, may be appropriate for assuring that such placement does not occur in the future. Thus, such preventive services become important elements in a community response to the status offender population.

Their preventive role, however, is typically one not of primary prevention, which probably remains the role of the traditional institutions, such as the family, the school, and a community environment that allows gradual assignment and acceptance of responsibility as maturing takes place. Rather, such agencies as those above are probably early intervention models, and hence, secondary prevention activities. Their task is to provide a non-punitive and helping setting in which problems can be tagged early and appropriate responses developed. They are neither a substitute for traditional responses nor a substitute for alternative residential placement.

This middle ground is none too well defined, and consists partly of being there to be asked for help, partly of advocacy, partly of issue resolution, partly of crisis response. A large number of State and local interviews, however, indicated that some such preventive role was among their highest priority gaps in services. Still others who are in the service brokering and program development business saw prevention as their eventual role.

E. Difficulties with Definitions

The Juvenile Justice and Delinquency Prevention Act of 1974, with its mandate for deinstitutionalization of status offenders started, in many States, a new dialogue about the appropriate treatment of this population. The OJJDP definitions of juvenile detention and correctional facilities, however, brought this dialogue to a specific focus that was absent until that time. The definitions rest on four criteria by which institutions would be judged to be detention or correctional institutions. According to guidelines issued in May of 1977, a juvenile detention or correctional facility is:

1. any secure public or private facility used for the lawful custody of juveniles who are accused or adjudicated juvenile offenders; or

2. any public or private facility used primarily (more than 50 percent of the facility's population) for the lawful

custody of juveniles who are accused of or adjudicated for committing criminal-type offenses even if the facility is non-secure; or

3. any public or private facility that has the bed capacity to house twenty or more accused or adjudicated juvenile offenders, even if the facility is non-secure, unless used exclusively for the lawful custody of status offenders, or is community-based; or

4. any public or private facility which is used for the lawful placement of accused or convicted criminal offenders.*

By and large, neither the secure facilities criterion nor the criterion dealing with housing status offenders with adult offenders is a problem. A number of States are having various difficulties with the commingling and size criteria.

The commingling criterion defines a facility as a detention or correctional institution if the preponderance of the population (50% or more) is of criminal-type offenders for a 30-day, consecutive period or longer. Some States have various types of residential facilities in which the population is predominantly criminal-type juvenile offenders. Virtually without exception, State and local officials to whom we talked suggested the inadequacy, inaccuracy, and accidental quality of the "status offender" versus the "delinquent" label. They expressed the view that it is the needs of the child which are important, not his legal label. Those we interviewed felt that the commingling criterion assumes a clear distinction between status offenders and criminal-type offenders, a distinction more semantic than real. And even where the two types of children are intrinsically distinct, the process by which they receive those legal labels is hardly standardized from one jurisdiction or court to another. Such States are likely to find it difficult to respond in any logical fashion to the application of such a commingling criterion to their networks of group homes, for example. Their alternatives seem to be to assign youths to group homes by label, so that a particular set of group homes becomes predominantly status offender group homes, and the others primarily delinquent group homes. Yet, they see this as attaching stigmatizing labels even more firmly than currently done. Another alternative would be to establish two entirely separate networks of group homes which simply drives home the labeling phenomenon further. Finally, if, as many assert, the status offender is a particularly troubled and troublesome child, this would result in a service delivery system that dealt primarily with the most difficult clients. Not only will this create some resistance on the part of service providers, but it removes whatever

*LEAA Change, Subject, State Planning Agency Grants, M4100.1F Change 1, May 20, 1977, Par. K(2).

leavening and normalizing peer influence there may be from a portion of the population that is less troubled and less troublesome, despite their delinquency labels.

The second area of difficulty is the size of the institution. The limit established by OJJDP on commingled populations is 20 beds, unless the institution is community-based. This affects some public institutions, illogically, in the view of the State officials involved. But its much more prevalent impact is on private child-caring institutions which may include among their population court-referred status offenders. Many of these institutions are large; many are in non-community settings. The idea that deinstitutionalization would apply to placement in private institutions came as a genuine surprise to some States. A number of States rely heavily on such private facilities for a significant part of their residential services. They object to the criterion on several grounds, including the fact that such institutions are not basically correctional institutions but child-caring institutions, that they provide a valuable resource which may disappear if the State is forced to take status offenders out, or alternatively, that the institutions must cease taking criminal-type offenders to be in compliance. Since there frequently has been considerable effort exerted to convince such institutions to take delinquents in the first place, this is viewed by some as a setback.

The common theme of these and other objections to the LEAA definitions is that they fly in the face of carefully considered and defined State programs. The largest difficulty is probably those criteria as they affect private institutions. While the primary problem there is that they tend to be above the maximum size allowed, (and the population is not solely a status offense or non-offense population, nor are they community-based), there are also instances in which private institutions may be secure. It seems to some that OJJDP has gone too far in defining detention and correctional facilities, substituting its judgement for what is more properly a State prerogative. The objecting States assert that they, within their own State, are probably better able to determine whether a network of group homes, or a set of private facilities, are institutional in nature than is OJJDP.

F. Monitoring

Finally, in each of the States we visited, the question of an adequate system for monitoring appropriate placements for status offenders (and other youth, for that matter) has yet to be resolved. That is, each of the States has produced a report (as of the end of 1976) assessing the degree to which status offenders have been moved out of detention and correctional facilities, and the degree to which separation of adult and juvenile offenders has been achieved. Such reports were most frequently the result of either a one-time survey of the jails and detention and correctional institutions in the

State, or some pre-existing reporting system or systems.

The difficulty with a one-time survey is two-fold. First, such a survey must rely on the records or the memory of the staff of the institution being surveyed. If those sources are not accurate, then neither is the survey. The second difficulty is that if inappropriate admissions are discovered, it is very likely they will be discovered only well after the fact. Presumably, the purpose of a monitoring system is not simply to report a degree of compliance, but to provide a useful means by which State authorities can effectively implement a policy of deinstitutionalization of status offenders and separation of adult and juvenile populations. Even if the purpose of monitoring is less ambitious, for example, to report accurately on conditions for the time period being monitored, a one-time survey would seem to be less than adequate.

Difficulties with obtaining and interpreting data about treatment of status offenders in each of the States we visited suggests that existing systems, having not been designed for that purpose, are seldom very useful with respect to the information they yield on status offenders. The label is a somewhat elusive one, particularly at the time of detention. If a child is brought into court and to a detention center, with charges that include running away, ungovernability and stealing a car, he might be treated as either a status offender or a criminal-type offender. The decision at that point is probably that of the intake officer, although in some States a judge may be consulted at that point. A further decision may be made about whether detention is necessary as well as about whether a petition will be filed and, if so, what offense it will allege. Once again, a probation official, perhaps a prosecutor, and perhaps an attorney representing the child will participate in whether the alleged label is that of status or criminal-type offender. It may not be the same as the label applied at the time of initial detention. Finally, if the petition is heard, once again, the judicial decision will determine what facts have been established and hence, which is the appropriate label. Once again the label may or may not be the same as that applied at the initial detention decision. This is not to suggest that a consistent reporting pattern could not be defined; it could. However, as things now stand, there are multiple participants in this set of decisions, and they vary from State to State, among counties and other jurisdictions within States, and perhaps from one official to another within the same jurisdiction.

These difficulties make one-time surveys and most existing reporting systems inadequate to the monitoring task. One option is to develop a specific monitoring procedure, with its own set of forms, for these purposes. Such a direction is being taken by OJJDP in its monitoring instructions and guidance to the States. Each State, however, will need to decide how to implement those procedures and utilize those forms within the State. It may be appropriate to train the staff of the institutions to be monitored so that there

is a common and consistent understanding of terms and procedures to be used in reporting. It may be that the State will choose to train its own staff, or regional or county staff, to monitor through special visits to the institutions. Alternatively, it may be that staff stationed at the detention center level can monitor and provide assistance on regular admissions reporting.

Creating and implementing an adequate monitoring system will neither be quick nor inexpensive. Initially, judgements will be needed concerning the adequacy of existing information. If the ten States we visited are an adequate sample, present data systems simply will not serve. Therefore, the States will have to determine how to modify existing systems or create new systems to accomplish the necessary results. Each step will take time: conducting analysis and making decisions; defining new procedures, new forms, and an effective way of communicating with the staff that must provide information; putting the system in place; providing quality control, de-bugging it, and aggregating the information. Our estimate is that this process will take a minimum of six months, and perhaps as much as a year.

It is clearly possible, although time-consuming and somewhat expensive, to install an adequate monitoring system. As accurate data is available, it will be possible to monitor the effectiveness with which a deinstitutionalization and separation policy is being carried out. Even with a functioning monitoring system, however, measuring progress from some baseline is more difficult, since the data available for that baseline period is almost certainly inadequate. Thus, measuring substantial compliance (75% reduction from some baseline) will continue to be more intuitive and judgemental than mathematical.

VI. Conclusions

Based on this research in ten States and the foregoing comparative analysis, we have drawn a number of conclusions with regard to:

- current progress toward deinstitutionalization;
- service needs and gaps;
- cost impacts and funding implications; and
- current critical issues.

We state these conclusions below, and follow them with our recommendations for Federal action.

Current Progress

1. The States examined are at different stages in the process of deinstitutionalization, but all have made clear progress. Progress has been greater on removing status offenders from correctional institutions than on removing them from detention.

2. State strategies have varied, with major clusters of actions aimed at, a) removal or limitation of the court's original jurisdiction over status offenders; b) limitations on possible dispositions for status offenders; and c) development of community-based youth services. Such strategies are not mutually exclusive; some States pursue more than one. Further, the specific focus on each strategy varies among the States.

3. The major unresolved issue is pre-adjudicative detention, not longer-term commitments to State institutions following adjudication. The States studied are simply not sending large numbers of status offenders to correctional institutions.

4. Aside from State institutions, the next-most-important issue is long-term residence in private institutions.

5. The mandate of the Juvenile Justice and Delinquency Prevention Act of 1974 has, in large measure, shaped the dialogue in the States about existing and appropriate treatment of the status offender population. As covered under the issues section of these conclusions, there is something less than philosophical unanimity regarding deinstitutionalization.

6. The available data about dispositions and placements leaves much to be desired in terms of consistency, quality control, comparability (even within the same State), and accessibility. However, it seems to be improving as States take on their system monitoring responsibilities.

Service Needs and Gaps

1. There are virtually no status offender-specific needs. Rather, there are youth needs. (The only significant exception to this is the need for residential alternatives to detention.) The status offender population overlaps with juvenile delinquents, dependent and neglected children, as well as emotionally disturbed children. The label under which an individual child is identified is a result of how he comes to public attention. Service needs are mostly unrelated to that label, and instead are a function of the individual situation. The spectrum of service needs for each of these groups is very similar.

2. Some status offenders may, however, have more difficult problems than any other type of youth. Frequently, they have very poor family support and a history of resistance to repeated intervention from service agencies. Of course, some delinquent youth may have problems just as serious as these -- both in their family environment and in their history of involvement with social service agencies. But in the case of the delinquent, some clearly defined criminal behavior is involved, behavior which may make legal punishment somewhat more understandable to the young person involved. The status offender may perceive his own behavior as entirely rational and non-criminal. This may make court-ordered sanctions difficult to comprehend and may render him more uncooperative than even the serious delinquent offender.

3. Some status offenders are at least as well off left alone, with no public intervention, to mature out of their problems.

4. The most significant service need and the first gap to be identified by States is some alternative to detention. Emergency and "structured" shelter care, foster care, group homes, and runaway houses are currently utilized to meet this need. In order for these alternatives to be acceptable to law enforcement and judicial officials, however, they must offer sufficient assurances of child protection and court appearance, a difficult task in the case of some chronic runaways. Structured shelter care promises to be one approach to provide such assurances in difficult cases.

5. Services needed, but weakly represented in many States, are residential psychiatric care, family counseling, mental health services for adolescents, alternative education programs, job development, and independent living arrangements. Highly structured, intensive day treatment programs are also lacking. Such programs provide supervision of education, recreation, drug and alcohol counseling as well as individual and family counseling, while the child resides at home.

6. Whatever service needs exist in a given State, they tend to be scarcest in rural areas. Relatively small numbers of potential clients scattered over large geographic areas tend to make service provision difficult and costly. Scarcity of services in rural areas can also contribute to over-utilization of incarceration for juvenile offenders.

7. Basic to the delivery of adequate youth services is alleviating the fragmentation which characterizes delivery systems in every State. Approaches to minimize fragmentation would include:

- improved evaluation and screening resources to ensure adequate diagnosis and placement of young people in already-existing services;
- better coordination among programs to avoid duplication of efforts, to plan for comprehensive services, and to prevent young people from "falling through the cracks"; and
- an improved capacity to collect data and monitor programs so that the States can identify fragmentation, and gaps in services.

Cost Impacts and Funding Implications

1. The cost impacts of deinstitutionalization of status offenders are not predictable according to an analytic model. Whether or not there is a cost increment or savings realized by removing status offenders from detention and correctional facilities depends on (a) the strategy a State adopts; (b) the number of status offenders involved; and (c) the nature and scope of the existing youth service system in the State.

2. Speaking tentatively (because some cost impacts will only be evident over time), there is evidence that there are no significant net incremental costs associated with deinstitutionalization, and some evidence that there are possible cost savings over time.

However, the non-transferability of funds will cause additional costs at some levels, and limit savings. In any event, our analysis indicates that the total net increase would not be prohibitive for any State that wished to move toward deinstitutionalization.

3. The first cost impact felt as a result of deinstitutionalization is likely to be a shift in who bears the costs. This question is critical to the implementation of alternative programs, and provides a major rationale for the use of Federal funds as seed money.

4. The primary sources of Federal funds are Title XX (Social Services) and Title IV-Part A (AFDC-Foster Care) of the Social Security Act; and Juvenile Justice and Crime Control dollars. Funds from HEW's OCD, OE, and NIMH are less significant in serving status offenders. The importance of Federal funding varies from State to State, as a function of State decisions and of the scope of their existing youth service programs.

5. The Federal government should not originate any major new programs aimed at providing services specific to status offenders. Status offenders are a small population, and problems that have arisen in providing services to them are mainly problems that are inherent in the youth service system generally.

Issues

1. The treatment of status offenders is of relatively low public visibility. Further, there is a strong feeling among the law enforcement and judicial publics that secure detention and the structure of institutional placement are appropriate for some youth. Thus, they see retaining such options, for limited use, as desirable.

2. Most of the State officials to whom we talked felt that status offenses should remain under the jurisdiction of the court. Two States - Utah and Florida - have taken legislative action to limit original jurisdiction, and some observers in other States also believe such limitation or removal of jurisdiction to be appropriate.

3. Many officials and service providers see a need for preventive services. This usually means early problem intervention as typified in the non-punitive, helping setting of youth service bureaus, rather than through initial intervention by the court.

4. A number of States disagree with the OJJDP criteria for defining detention and correctional facilities, feeling that size of the institution, the question of commingling of status and criminal-type offenders, allowable detention times, and the applicability of the guidelines to the private sector, are issues less clearcut than the OJJDP criteria would suggest. Essentially, the State officials believe they are better judges of how such criteria should be applied in their States than is OJJDP.

5. Monitoring systems are not yet in place. When they are, they will be more useful for assessing the current situation than progress from the uncertain and inaccurate baselines of two years ago.

Recommendations

1. Neither OJJDP nor HEW need consider any major new programs directed specifically toward status offenders. Services are presently available or are being developed adequate to the demands created for them by deinstitutionalization. New programs targeted on status offenders as a special population would primarily serve to exacerbate the current fragmentation which characterizes youth services systems in all the States.

2. While there are individual instances where additional funding is needed, there is no systematic pattern that suggests major infusions of Federal dollars would fill major service gaps for status offenders. The primary Federal attention to funding should be to assure the continued availability of the Juvenile Justice and Crime Control funds devoted to youth services, whatever (Federal level) organizational changes may occur.

Additionally, continued availability of runaway house funds and a stress on the legitimacy of status offenders as clients for Title XX programs, foster care, and mental health programs, would be useful.

3. OJJDP should consider allowing negotiation regarding the application of its guidelines defining detention and correctional facilities in those unusual instances where States can show substantial conformance, but are still technically at variance. While definitions are clearly necessary, some flexibility would acknowledge the ambiguities and special cases which demonstrably exist in the States. Such openness to flexibility would encourage wider participation and increase the chances of effecting change in a greater number of States. Further, an inflexible approach might only serve to escalate the debate to a level where a definition might be incorporated into legislation, removing the administrative flexibility which OJJDP now enjoys.

* U. S. GOVERNMENT PRINTING OFFICE: 1978—260-997/20